

THE COMMUNICATION GAP: THE IMPACT OF LEGALESE ON ACCESS TO JUSTICE IN THE AGE OF DIGITAL GOVERNMENT SERVICES AND ONLINE FORMS

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ABSTRACT. The global transition to e-government promises to enhance access to justice by making public services more efficient, transparent, and accessible. However, this promise is being systematically undermined by the persistent use of „legalese” in digital interfaces, which shifts the primary barrier to access from the physical to the cognitive realm. This article examines the detrimental impact of this communication gap on citizens, particularly vulnerable populations. Through a qualitative analysis of official reports from intergovernmental organizations, case studies of digital government platforms, and a comprehensive review of socio-legal, communication, and cognitive science literature, this paper argues that merely digitizing complex bureaucratic and legal language without fundamental simplification does not improve access to justice. Instead, it creates a new form of digital exclusion predicated on legal and linguistic literacy. This „cognitive divide” disproportionately affects individuals seeking essential services such as unemployment benefits, court access, and immigration assistance, leading to errors, abandonment of processes, and a failure to secure fundamental rights. The analysis concludes that the integration of plain language principles must be a core tenet of digital government design, not an afterthought. A framework is proposed for creating truly accessible legal communication online, advocating for mandated standards, user-centered design, and reforms in legal education to bridge the communication gap and fulfill the democratic potential of e-government.

Keywords: Access to Justice, Legalese, Plain Language, E-Government, Digital Divide, Legal Communication, Public Administration, Cognitive Load

1. INTRODUCTION

An individual, recently laid off from their job, navigates to their state’s government portal to apply for unemployment benefits. Instead of a clear path, they are confronted by a digital form laden with terms like „heretofore,” „adjudication,” „claimant’s attestation,” and „statutory eligibility criteria.” Each field presents a new source of confusion and anxiety. An incorrect answer, born of misunderstanding, could delay or deny the critical financial support their family needs. Overwhelmed and intimidated, they may make critical errors or abandon the process entirely, convinced they are ineligible or simply incapable of completing the task. This scenario, played out daily on countless government websites, illustrates a central failure of modern governance: a communication failure that carries severe, real-world consequences for the most vulnerable.

Across the globe, public sectors are undergoing a profound digital transformation. Intergovernmental organizations like the Organization for Economic Co-operation and Development (OECD) and the United Nations (UN) champion this shift, articulating a vision of e-government that is more efficient, transparent, and responsive to citizen needs (Organization for Economic Co-operation and Development, 2014; United Nations, Department of Economic and Social Affairs, 2022). The official narrative is one of empowerment, promoting digital government as a strategic driver for making governments more „open, transparent, innovative, participatory and trustworthy” (Organization for Economic Co-operation and Development, 2020, p. 3). The OECD’s Digital Government Policy Framework outlines a sophisticated model for this transformation, built on six core dimensions: being „digital by design,” creating a „data-driven public sector,” functioning as a „government as a platform,” being „open by default,” becoming „user-driven,” and achieving „reactiveness” (Organization for Economic Co-operation and Development, 2014, 2020). This vision of a „human-centred” digital government aims to enhance individual dignity through meaningful engagement and accessible public services (Organization for Economic Co-operation and Development, 2025). Similarly, the biennial UN E-Government Survey tracks a consistent upward trend in the development of digital government worldwide, framing it as essential for achieving sustainable development goals and „leaving no one behind” in an increasingly hybrid digital society (United Nations, Department of Economic and Social Affairs, 2022, 2024). The stated goal is to use technology to promote access and inclusion for all people (United Nations, Department of Economic and Social Affairs, 2022).

This ambitious and optimistic vision, however, stands in stark contrast to the lived reality of many citizens. A fundamental paradox has emerged: the very digital tools designed to dismantle barriers and enhance access are, in practice, erecting new ones. The barrier is no longer primarily physical—the need to travel to a government office—but cognitive and linguistic. By migrating complex, jargon-laden bureaucratic processes online without fundamental simplification, governments have created a digital environment that is hostile to non-experts. The promise of enhanced access is thus paradoxically undermined by the very interfaces designed to deliver it, creating a deep chasm between the high-level, aspirational language of policy documents and the frustrating, exclusionary experience of the end-user. This reveals a critical disconnect not just in technical implementation but in ideology—a tension between a stated citizen-centric service model and a deeply entrenched institution-centric communication model.

To analyze this paradox, it is essential to define two core concepts: legalese and access to justice.

Legalese. This term refers to more than just the technical terminology of the legal profession. As a concept within communication studies, „legalese” is a pejorative term for a traditional style of legal writing that is incomprehensible to lay readers (Tiersma, 1999). It is a distinct communicative style characterized by archaic vocabulary, convoluted and lengthy sentence structures, frequent use of the passive voice, and an impersonal tone (Tiersma, 1999). It is, in essence, a failure of communication that prioritizes the writer’s perceived need for absolute precision over the reader’s fundamental need for comprehension (Benson, 1984; Miner, 1989). This article treats legalese not as a neutral professional dialect but as a significant

impediment to effective information exchange between the state and its citizens.

Access to Justice. The concept of access to justice has evolved significantly beyond its historical meaning of simple access to courts (Galanter, 1983). Contemporary socio-legal scholarship defines it far more broadly as the ability of individuals to understand and exercise their rights, obtain remedies, and participate in the systems that govern their lives (Galanter, 2010; Silbey, 2005). As codified by the influential Florence Access-to-Justice Project, this includes availing oneself of „the various institutions, governmental and non-governmental, judicial and non-judicial, in which a claimant might pursue justice” (Cappelletti & Garth, 1978, p. 6). In the context of e-government, this means that access to justice is contingent not only on the availability of a digital service but on the citizen’s ability to comprehend the information presented, complete the necessary processes, and thereby secure the rights, benefits, or legal standing to which they are entitled.

This article contends that the persistence of legalese in digital government services constitutes a significant and under-recognized barrier to access to justice, creating a ‘cognitive divide’ that mirrors and reinforces existing social inequalities. True digital transformation in the public sector requires a fundamental shift in legal communication, embedding plain language principles into the very architecture of e-government. To substantiate this thesis, the article is structured as follows. Section 2 deconstructs the nature of legalese, examining its historical roots and its cognitive impact on the reader. Section 3 critically assesses the implementation of e-government, contrasting its promise with the perilous reality of user experience through case studies in crucial domains. Section 4 presents the international Plain Language Movement as a robust, evidence-based solution to this communication gap, detailing its principles and proven effectiveness. Finally, Section 5 concludes by synthesizing the arguments and offering a set of actionable policy recommendations for creating a truly accessible and just digital state.

2. THE NATURE OF THE BEAST: DECONSTRUCTING LEGALESE

To understand why legalese persists as a barrier in the digital age, one must first deconstruct its nature as a linguistic and cognitive phenomenon. It is not merely a collection of difficult words but a deeply entrenched communicative style with historical roots, significant cognitive consequences for the reader, and characteristics that mark it as a fundamental failure of communication.

The origins of modern legal English are not found in a deliberate attempt at obfuscation but in the unique socio-linguistic history of the English legal system. Following the Norman Conquest of 1066, a trilingual environment emerged in English governance and law (Baker, 2003). Latin was the language of formal records and scholarship, Old English remained the vernacular of the general populace, and Norman French became the language of the new ruling class, the government, and, crucially, the courts (Alenezi, 2024; Baker, 2003; Tiersma, 1999).

Over centuries, this Anglo-Norman dialect, which came to be known as „Law French,” evolved into the professional language of lawyers (Baker, 2003). It was a learned second language, a professional dialect through which ordinary French words were converted into technical terms of art (Baker, 2003). This is why the majority of English legal terms—

such as plaintiff, defendant, contract, property, and jury—are of French origin (Baker, 2003; Tiersma, 1999). This linguistic heritage was combined with a reliance on Latin for formal maxims and a structural preference for precision that arose from the common law's emphasis on precedent (Williams, 2015). The result was a specialized discourse designed for communication among experts. Its purpose was to achieve a high degree of precision and to maintain the continuity of legal doctrine over time.

However, this professional dialect also served a cultural function: it solidified the identity and exclusivity of the legal profession (La Porta, Lopez-de-Silanes, & Shleifer, 2008). By creating a linguistic barrier between the initiated and the uninitiated, legalese became what linguists term a „language of power” (Stanchi, 1998). It signaled expertise, conferred authority, and reinforced the social stratification between legal professionals and the lay public they served. While its historical development was rooted in the practical needs of a multilingual and evolving legal system, its cultural legacy is one of exclusion and professional insularity.

The most damaging impact of legalese is not historical but cognitive. When a non-expert encounters a government form written in dense legal prose, their ability to understand and act is severely hampered by fundamental limitations of human cognition. The field of cognitive psychology, particularly Cognitive Load Theory, provides a powerful framework for explaining this breakdown (Sweller, 1988; Sweller, van Merriënboer, & Paas, 1998).

Cognitive Load Theory posits that human cognitive architecture consists of a limited working memory, which actively processes new information, and a virtually unlimited long-term memory, which stores organized knowledge in the form of schemas (Sweller, 1988; Sweller, van Merriënboer, & Paas, 1998; Centre for Education Statistics and Evaluation, 2017). Working memory is the bottleneck of our learning system; it can only handle a small number of information elements at any given time (Sweller, 1988). The mental effort imposed on working memory during a task is known as cognitive load, which is divided into three types (Paas, Renkl, & Sweller, 2010; Shearer, Yu, & Peng, 2020; Sweller, 1988):

1. **Intrinsic Cognitive Load:** This is the inherent difficulty of the subject matter itself. Understanding the concept of contributory negligence, for example, has a certain level of intrinsic difficulty that cannot be eliminated (Sweller, 1988).

2. **Extraneous Cognitive Load:** This is the unnecessary mental effort generated by the way information is presented. It is a cognitive burden that does not contribute to learning or task completion. Poorly designed instruction, confusing layouts, and complex language are primary sources of extraneous load (Sweller, 1988).

3. **Germane Cognitive Load:** This is the productive mental effort dedicated to processing the intrinsic complexity of the information and constructing schemas in long-term memory. This is the load that results in genuine understanding (Sweller, 1988).

Learning and effective task performance occur when extraneous load is minimized, freeing up working memory capacity for the essential germane load (Sweller, 1988). Legalese is a textbook example of a communicative style that maximizes extraneous cognitive load. Its defining features—long, convoluted sentences with multiple subordinate clauses, use of the passive voice, nominalizations (turning verbs into nouns, e.g., „making an application” instead of „applying”), and unfamiliar, archaic vocabulary—force the reader's working

memory to expend enormous effort simply decoding the text (Tiersma, 1999). This process of wrestling with the language itself consumes the limited cognitive resources that should be dedicated to understanding the underlying legal rule or procedural requirement (Vergauwe & Langerock, 2023). The result is cognitive overload, leading to poor comprehension, increased errors, and often, task abandonment (Graesser, Lu, Olde, Cooper-Pye, & Whitten, 2005; van den Broek, Kendeou, Lousberg, & Visser, 2011).

This cognitive hostility is not a neutral feature of the text; it is a mechanism that systematically disadvantages individuals with lower literacy, less formal education, or those operating under stress or with cognitive disabilities. The psychological impact is profound. Confronting an incomprehensible but authoritative document can induce feelings of intimidation, anxiety, and powerlessness (Furth-Matzkin & Sommers, 2020). It can severely reduce an individual's self-efficacy—their belief in their own ability to succeed in a specific situation (Bandura, 1997; Tokuhamma-Espinosa, 2011). A person who feels incompetent or overwhelmed by the language of a government form is less likely to persevere in asserting their rights, creating a psychological barrier to justice that is just as formidable as any physical or financial one (Krieger, 2005).

2.1 Legalese as a Communication Failure: Violating the Cooperative Principle

Viewed through the lens of communication theory, legalese represents a fundamental failure to adhere to the basic principles of effective information exchange. Successful communication is not merely the transmission of a message; it is a cooperative endeavor in which the sender crafts a message with the receiver's context, knowledge, and needs in mind (Miner, 1989). Legalese violates this principle by being almost entirely sender-centric. It is a communication style that prioritizes the perceived needs of the legal or bureaucratic institution—for historical continuity, for a defense against any possible misinterpretation, for an assertion of authority—over the primary need of the citizen: to understand (Greenberg, 2011).

Communication Accommodation Theory (CAT) provides a useful model for analyzing this failure (Giles, 2016). CAT explains how individuals adjust their communication to manage social distance. When a speaker wishes to gain approval or increase understanding, they will often engage in convergence, modifying their speech patterns, vocabulary, and non-verbal behaviors to become more similar to their interlocutor (Giles & Smith, 1979; Gasiorrek, Dragojevic, & Giles, 2021). A doctor who avoids medical jargon when speaking to a patient is converging. Conversely, when individuals wish to emphasize social distance or group identity, they may engage in divergence, accentuating the linguistic differences between themselves and their conversational partner (Giles & Smith, 1979; Gasiorrek et al., 2021; Achermann et al., 2023).

The use of legalese in public-facing government documents is a powerful act of institutional divergence. Rather than accommodating the linguistic capabilities of a diverse public, the state maintains a specialized, high-status code. This act of non-accommodation increases the psychological and social distance between the citizen and the institution, reinforcing the power imbalance inherent in the relationship (Giles, Ota, & Foley, 2013; Kowalczyk, 2024;). It sends an implicit message that the citizen must adapt to the institution's language, rather

than the institution adapting to the citizen's needs. This is not just poor customer service; it is a communication failure that undermines the democratic ideal of a government that is accessible and accountable to its people (Miner, 1989). The communication is not neutral; it actively works against the user, creating a hostile environment that systematically filters out those unable to bear the high cognitive and psychological costs of translation.

3. THE PROMISE AND PERIL OF E-GOVERNMENT

The global movement toward e-government is driven by a powerful and appealing narrative of modernization and citizen empowerment. International bodies and national governments alike articulate a vision of public services transformed by digital technology—a vision of efficiency, accessibility, and seamless interaction. However, the reality of implementation often falls far short of this promise, revealing a critical misunderstanding of what true digital transformation entails. The peril lies in the gap between the official narrative and the frustrating experience of citizens confronting digital systems that have inherited the linguistic barriers of the analog era.

3.1 The Official Narrative: A Vision of Seamless, Citizen-Centric Services

The official discourse surrounding e-government is one of radical, citizen-focused improvement. The OECD, a key standard-setter in this domain, envisions a public sector that is „digital by design,” meaning that digital considerations are embedded in the entire policy and service lifecycle, from design to evaluation (Organisation for Economic Co-operation and Development, 2014, 2020). This approach is intended to make governments more „open, transparent, innovative, participatory and trustworthy” (Organisation for Economic Co-operation and Development, 2020, p. 3). The OECD's Digital Government Policy Framework promotes a „human-centred” transformation aimed at „enhancing individuals' sense of dignity through meaningful citizen engagement, strengthened accountability and more human-centred public services” (Organisation for Economic Co-operation and Development, 2025). Key principles include being „user-driven,” where services are designed around the needs of citizens, and „proactive,” where governments anticipate user needs and provide services without formal requests (Organisation for Economic Co-operation and Development, 2014).

This vision is echoed by the United Nations, whose E-Government Development Index (EGDI) measures the maturity of digital government across all 193 Member States (United Nations, Department of Economic and Social Affairs, 2022). The EGDI assesses not just the provision of online services but also the underlying telecommunication infrastructure and human capacity, reflecting a holistic view of digital inclusion (United Nations, Department of Economic and Social Affairs, 2022). The UN's overarching goal is to leverage digital transformation to achieve the Sustainable Development Goals, with a strong emphasis on ensuring that no one is left behind (United Nations, Department of Economic and Social Affairs, 2022, 2024).

The 2024 UN survey highlights a significant global upward trend in digital government, fueled by increased investment in resilient infrastructure and advanced technologies (United

Nations, Department of Economic and Social Affairs, 2024). The stated objective is clear: to use digital tools to create more accessible, equitable, and effective public services for all.

3.2 The Reality: Digitization vs. Digitalization

The central flaw in the implementation of this vision lies in a widespread confusion between two fundamentally different concepts: digitization and digitalization (Brennan & Kreiss, 2016; Gorenšek & Kohont, 2021).

- Digitization is the simple, technical process of converting analog information into a digital format (Brennan & Kreiss, 2016; Haissam, 2022). Scanning a paper application form and making it available as a downloadable PDF on a website is an act of digitization. The medium changes, but the process, the structure, and, most importantly, the language remain the same (Brennan & Kreiss, 2016). It is a change of form, not of function.

- Digitalization, in contrast, is a much deeper, strategic process. It involves leveraging digital technologies to fundamentally redesign and improve business processes, change a business model, and provide new value-producing opportunities (Brennan & Kreiss, 2016; Haissam, 2022). In the public sector, this would mean rethinking a service from the ground up to be inherently digital, intuitive, and user-centric, rather than simply creating a digital version of a paper-based workflow (Daminov, 2022; Mina-Raiu & Melenciuc, 2022).

The vast majority of government e-services today are the product of digitization, not true digitalization. Agencies have taken their existing bureaucratic processes, replete with legalese and complex structures, and transposed them directly onto a screen (Mina-Raiu & Melenciuc, 2022). The result is that the linguistic and cognitive barriers that existed in the paper era have been preserved and, in some cases, amplified in the digital realm. The transition from paper to digital interfaces does not merely replicate these barriers; it can make them worse. In a traditional office, a citizen might interact with a human clerk who could offer clarification or guidance, acting as an informal interpreter of the bureaucratic language. In a purely digital interaction, the citizen is often left alone to confront the unintelligible interface, creating a more isolating, unforgiving, and intimidating experience. By removing the potential for human intermediation without simplifying the underlying communication, the act of digitization without digitalization can make the barrier to access even higher than its analog predecessor, directly contradicting the core e-government goal of improved accessibility.

3.3 Case Studies in Digital Frustration: Where the Communication Gap is Widest

This failure to move from mere digitization to genuine digitalization is most acute in services that are critical for access to justice. The following case studies illustrate how the persistence of legalese in digital interfaces creates severe obstacles for vulnerable populations.

- *Case Study 1: Online Court Filings for Self-Represented Litigants (SRLs)*

The rise of self-represented litigants (SRLs), or pro se litigants, is a defining feature of modern civil justice systems, with estimates suggesting that about 65 percent of family law litigants in some jurisdictions appear in court without a lawyer (Dyer et al., 2012). For these

individuals, online court portals and fillable forms represent a potential lifeline, promising a way to navigate the justice system without the prohibitive cost of legal counsel. The user's goal is often urgent and life-altering: filing for divorce, seeking a protective order, or responding to an eviction notice.

However, the promise of enhanced access is frequently broken by the reality of „indecipherable legal forms” and „complex court procedures” (Rhode Island Family Court, 2018, p. 2). A report by the Canadian Bar Association found that while online court forms appear to offer a path to justice, „many forms are complex and difficult to complete, and SRLs often find they have made mistakes and omissions” (Canadian Bar Association, 2013, p. 45). Court websites designed for SRLs are often poorly organized and fail to provide instructions in plain language, leaving users to untangle a web of confusing resources on their own (Rhode Island Family Court, 2018). This linguistic complexity is not a minor inconvenience; it is a direct barrier to due process. The U.S. Supreme Court's decision in *Turner v. Rogers* obliges judiciaries to ensure that unrepresented litigants' rights are protected, which includes providing them with the means to understand the process and their available defenses (Dyer et al., 2012). When court forms are written in legalese, they fail this fundamental test, effectively denying meaningful access to the courts for those who lack legal training (Dyer et al., 2012; Washington State Pattern Forms Committee, 2012).

- *Case Study 2: Social Security and Welfare Applications*

For millions of individuals and families, access to social benefits such as cash assistance, disability payments, or food subsidies is essential for survival. Digital application portals are intended to streamline access to these vital services. The user's goal is to secure a right or entitlement that provides a basic safety net.

This process, however, is notoriously fraught with what public administration scholars term administrative burdens: the learning, compliance, and psychological costs that citizens experience when interacting with the state (Burden, Herd, & Moynihan, 2012). A primary driver of these burdens is the „bureaucratic language” of government forms and communications, which can be „quite intimidating,” particularly for individuals who are not highly educated. The complexity of the language imposes significant learning costs—the time and effort required to understand the existence of a benefit, ascertain eligibility criteria, and navigate the application process (Herd & Moynihan, 2019). Research shows that this informational complexity is a key factor in the „non-take-up” of benefits, a phenomenon where eligible individuals fail to receive the support to which they are entitled simply because the process is too onerous (Holler & Tarshish, 2022). The system often fails to provide clear, personalized, and actionable information, forcing applicants to piece together a complex puzzle from multiple sources, a process that can be stressful, confusing, and ultimately exclusionary (Arcidiácono, 2017; Hancock, 2004; Holler & Tarshish, 2022).

- *Case Study 3: Immigration and Asylum Procedures*

Nowhere are the stakes of a communication failure higher than in the domain of immigration and asylum. The user—a refugee fleeing persecution, a family seeking reunification, or a skilled worker navigating a visa application—is engaging in a process that will determine their safety, their livelihood, and their future. Official government websites are the primary source of information for these high-stakes procedures.

While many governments have made efforts to centralize information through online portals (European Commission, 2012, 2013), the language used to explain complex immigration rules and fill out application forms often remains a formidable barrier. This is especially true for applicants with limited proficiency in the host country's language, for whom linguistic barriers can lead to critical miscommunications and „erroneous conclusions” by authorities (Massachusetts Appleseed Center for Law and Justice, 2022, p. 1). The lack of clear, accessible information on official government websites creates a dangerous vacuum that is often filled by fraudulent actors who prey on vulnerable applicants by promising clarity for a fee (Davis, Buss, & Fox-Williams, 2024). Incomprehensible language on a government website is not just a design flaw; it is a critical failure that can jeopardize an individual's legal status and personal safety. Despite the recognized importance of reliable data and clear information in managing migration (European Migration Network, 2015; International Organization for Migration, 2020), the linguistic accessibility of digital immigration services remains a profound and unresolved challenge (U.S. Department of Homeland Security, 2015).

4. THE PLAIN LANGUAGE MOVEMENT AS A SOLUTION

The communication gap created by legalese in digital government is not an intractable problem. A robust, evidence-based solution exists in the principles and practices of the international Plain Language Movement. This movement offers a systematic approach to communication that directly addresses the cognitive and social barriers erected by traditional legal and bureaucratic writing. By prioritizing user comprehension and usability, plain language provides a practical pathway toward fulfilling the democratic promise of e-government.

4.1 History and Principles: A Movement for Clarity and Democracy

The push for clear communication is not new; complaints about obscure legal language date back centuries (Mellinkoff, 1963). However, a cohesive „movement” began to form in the post-World War II era, gaining significant momentum in the 1960s and 1970s in English-speaking, common-law countries like the United States, the United Kingdom, and Australia (Williams, 2015). Initially driven by consumer rights advocates and good governance proponents, the movement sought to demystify the enigmatic language of contracts, insurance policies, and government regulations (Wojciechowska, 2013).

Over the past several decades, the movement has evolved significantly. Early efforts focused narrowly on sentence-level readability formulas (Redish, 2017). Today, plain language is understood as a sophisticated, user-centered discipline that integrates principles of writing, information design, and usability testing (Redish, 2017). It has broadened its concern from simply asking „Can people read this?” to the more critical questions of „Can people find what they need, understand what they find, and use that information to meet their needs?” (Tiersma, 1999, p. 212). This evolution has been supported by the formation of international organizations like PLAIN (Plain Language Association International) and Clarity International, and has culminated in the development of an ISO standard for plain language (Adler, 2012; International Organization for Standardization, 2023).

Crucially, the movement has been embraced by governments seeking to improve transparency and effectiveness. The most significant legislative milestone is the United States' Plain Writing Act of 2010 (Pub. L. No. 111-274, 2010). This landmark law requires federal agencies to use „clear Government communication that the public can understand and use” in all covered documents (Kerr, 2014; Plain Writing Act of 2010, Pub. L. No. 111-274, 2010). The Act mandates training, compliance reporting, and the appointment of senior officials responsible for overseeing its implementation, embedding the principles of clear communication into the machinery of government (The Writers for Hire, 2023; U.S. General Services Administration, 2011).

4.2 Principles of Plain Language in Practice

Plain language is not about „dumbing down” complex information; it is about communicating that information with maximum clarity and efficiency (Kimble, 1994-1995). It is a reader-focused discipline grounded in principles of cognitive psychology and communication theory. The core tenets can be contrasted directly with the features of legalese, as shown in Table 1.

Table 1: A Comparative Framework of Legalese and Plain Language Principles

Dimension	Legalese (Institution-Centric)	Plain Language (User-Centric)
Primary Goal	Achieve absolute legal precision; maintain tradition.	Ensure audience understanding and usability.
Vocabulary	Archaic words (herein, aforesaid), Latin/French terms, jargon.	Common, everyday words. Technical terms are used only when necessary and are explained.
Sentence Structure	Long, complex, multi-clause sentences; center-embedding.	Short, direct sentences (average 15-20 words). One main idea per sentence.
Voice	Frequent use of passive voice ("notice is hereby given").	Strong preference for active voice ("we will notify you").
Tone	Impersonal, formal, authoritative.	Direct, respectful, conversational ("you," "we").
Design & Layout	Dense blocks of text; poor use of white space.	Use of headings, lists, tables, and white space to improve readability and scanning.

Source: created by the author.

These principles are not arbitrary stylistic preferences. They are evidence-based strategies designed to reduce extraneous cognitive load. Short sentences and common vocabulary are easier for working memory to process. The active voice is more direct and easier to comprehend than the passive voice. And a clear visual design with headings and lists allows users to scan for relevant information quickly, a common behavior in digital environments (Center for Plain Language, 2022).

4.3 Evidence of Effectiveness: An Empirical Case for Clarity

The superiority of plain language is not a matter of opinion; it is supported by a substantial body of empirical evidence demonstrating its effectiveness across multiple domains.

- **Improved Comprehension and Accuracy:** Numerous studies have shown that rewriting legal and bureaucratic documents in plain language significantly improves user comprehension and reduces errors. A foundational study on jury instructions found that plain-language versions improved juror comprehension from 45% to 59%—a 31% improvement (Kimble, 1994-1995). More recent research confirms that both lawyers and non-lawyers find plain English contracts easier to understand and recall (Martinez, Mollica, & Gibson, 2023).

- **Increased Efficiency and Compliance:** Clearer documents lead to more efficient processes. A study of revised divorce application forms in Australia found that the completion rate increased from 52% to 67%, and, critically, the rate of applications rejected due to errors plummeted from 42% to just 8% (Kimble, 1994-1995). Similarly, a study of a revised tax form found that the percentage of users who could perform the task well skyrocketed from 10% to 55%—a 450% improvement (Kimble, 1994-1995). For government agencies, this translates into tangible benefits. U.S. Citizenship and Immigration Services (USCIS), after implementing a plain language initiative, reported a significant reduction in customer questions and an increase in the proper submission of forms and fees (Center for Plain Language, 2022).

- **Enhanced Trust and Reduced Costs:** Clarity builds public trust and reduces downstream costs (Kampala International University, 2025). When people understand their rights and obligations, legal conflicts are less likely to arise (Kampala International University, 2025). Proponents argue that plain language reduces the „unnecessary litigation that poor legal drafting produces” by eliminating preventable ambiguities (Kimble, 1994-1995, p. 77). This not only saves money for the state and for citizens but also strengthens the perceived legitimacy and fairness of the legal system. For these reasons, adopting plain language is not merely a matter of good customer service; it is a crucial risk management and efficiency strategy for the state. The empirical data on reduced error rates, increased compliance, and reduced litigation demonstrates a clear return on investment, making resistance to plain language an economically and administratively irrational position.

4.4 Barriers to Implementation: Deconstructing the Resistance

Despite the overwhelming evidence in its favor, the adoption of plain language faces significant cultural and institutional resistance, particularly from within the legal profession. Common arguments against it include the claims that it „dumbs down” the law, sacrifices necessary legal precision, and is unsophisticated (Kimble, 1994-1995).

These criticisms, however, do not withstand scrutiny. Proponents of plain language have long argued that clarity and precision are allies, not enemies. The process of writing in plain language forces the writer to confront and resolve ambiguities that are often hidden by convoluted, traditional prose (Kimble, 1994-1995). As legal writing expert Joseph Kimble notes, technical terms are a small part of any legal document, and their necessary use does

not preclude clarity in the surrounding text (Kimble, 1994-1995).

Recent empirical research has shed new light on the nature of this resistance. A 2023 study found that while lawyers are better than non-lawyers at understanding legalese, they too find plain English versions significantly easier to comprehend (Martinez, Mollica, & Gibson, 2023). Furthermore, the lawyers in the study rated the plain English contracts as being of higher quality, more likely to be signed by a client, and, crucially, equally enforceable as the legalese versions (Martinez, Mollica, & Gibson, 2023). This suggests that the resistance to plain language is not based on a reasoned belief in the functional superiority of legalese. Instead, it is more likely a product of institutional inertia, convenience (the „copy-and-paste” method of using old templates), and a cultural defense of professional status (Martinez, Mollica, & Gibson, 2023). The complex language serves as a „legitimizing myth” that reinforces the perceived superiority and authority of the legal profession, maintaining a power dynamic in which the institution holds dominance over the citizen (Kowalczyk, 2024).

5. CONCLUSION AND POLICY RECOMMENDATIONS

The digital transformation of government holds the potential to create a more accessible, efficient, and just public sphere. Yet, this potential is being squandered. The uncritical migration of archaic and exclusionary language into digital platforms has created a formidable communication gap, transforming the promise of e-government into a new frontier of digital exclusion. This analysis has demonstrated that the legacy of legalese is not a benign stylistic quirk but a direct cause of cognitive overload, psychological distress, and systemic barriers to access to justice. It is a failure of communication that disproportionately harms the most vulnerable members of society, undermining the very purpose of public service.

The core argument of this article is that the promise of e-government to enhance access to justice is being broken by this persistent communication gap. This gap, created by the legacy of legalese, functions as a cognitive barrier that systematically filters out individuals based on their linguistic and legal literacy. The solution lies not in more advanced technology but in more humane communication. The principles of the Plain Language Movement, grounded in evidence from cognitive science and communication theory, offer a clear and proven path forward. Adopting plain language is therefore not a matter of convenience or aesthetic preference; it is a prerequisite for achieving justice and equity in the digital age.

To bridge this communication gap and build a truly citizen-centric digital state, governments and legal bodies must undertake a coordinated and comprehensive reform agenda. The following four recommendations provide a framework for action.

1. Mandate and Enforce Plain Language Standards.

Voluntary measures are insufficient to overcome deep-seated institutional inertia. Governments should enact and vigorously enforce legislation modeled on the U.S. Plain Writing Act of 2010, requiring that all public-facing digital services—including websites, online forms, and official communications—are written in plain language (Plain Writing Act of 2010, Pub. L. No. 111-274, 2010; The Writers for Hire, 2023). This mandate should be supported by clear guidelines, robust oversight mechanisms, and a requirement for agencies to publicly report on their compliance annually, fostering transparency and accountability (Center for Plain Language, 2022; National Archives and Records Administration, 2023; U.S.

Department of Health and Human Services, 2024; U.S. Department of the Interior, 2023; U.S. General Services Administration, 2023).

2. Embed User-Centered Design and Testing.

The design of digital government services must shift from an institution-centric to a user-centric model. This requires embedding rigorous user testing into the entire development lifecycle, from initial concept to final deployment. Critically, this testing must actively involve diverse and vulnerable populations, including individuals with low digital literacy, persons with disabilities, the elderly, and those with limited language proficiency (Beventorp & Lindh, 2024; Kim & Lee, 2024; UNICEF, 2024). This empirical, iterative approach ensures that services are not just technically functional but are genuinely accessible and usable for the people they are intended to serve.

3. Reform Legal and Public Administration Education.

The culture of obscure communication must be addressed at its source. Curricula in law schools and public administration programs must be reformed to include mandatory, substantive training in clear communication, plain language principles, and user-centered design (Mattila, 2006). The goal is to cultivate a new generation of lawyers, judges, and civil servants who view clarity not as a compromise of their expertise, but as a core professional competency and an ethical obligation.

4. Invest in AI-Powered Simplification Tools.

Governments should strategically invest in the research and development of Artificial Intelligence (AI) and Natural Language Processing (NLP) tools to support the transition to plain language at scale. Advanced transformer-based models have shown significant promise in the complex tasks of legal text summarization and simplification (Liu et al., 2019; Vaswani et al., 2017; Zhang, Zhao, Saleh, & Liu, 2020). These technologies could be developed into tools that assist government employees in drafting clearer documents or that provide citizens with real-time, on-demand translations of complex legal and bureaucratic text into plain language, acting as a powerful aid for digital inclusion.

The ultimate vision of e-government, as articulated by the OECD, is a „proactive” state that anticipates and meets citizen needs seamlessly (Organisation for Economic Co-operation and Development, 2014). This ambitious model, however, is fundamentally dependent on proactive clarity. A government cannot proactively deliver a service if the citizen cannot understand their eligibility, the nature of the benefit, or their responsibilities in relation to it. Communication shrouded in legalese would breed suspicion and confusion, undermining the very trust required for a proactive state to function. Therefore, adopting plain language is not just about fixing the reactive services of today; it is about building the essential linguistic infrastructure for the proactive, just, and democratic governance of tomorrow. In a democracy, the ability of citizens to understand their rights and engage with their government is not a luxury but a necessity. Clear communication is not an aesthetic choice; it is a fundamental component of a just, equitable, and functioning society. Closing the communication gap is one of the most critical and defining tasks of digital-era governance.

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