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Writing It Right: Long Ideas, Short Words



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“And so, my fellow Americans: ask not what your country can do for you — ask what you can do for your country.”

When President John F. Kennedy spoke this sentence at the U.S. Capitol’s east portico on January 20, 1961, his words won a lofty position among Inaugural addresses. Charisma enhanced the delivery on that frigid day, but the president’s ringing appeal to national vitality also stands the test of time in print more than half a century later.

The appeal’s endurance owes much to its simplicity. The president used short words, mostly one-syllable ones, with a few of two syllables. The only word longer than two syllables was “Americans.”²

Theodore C. Sorensen, the president’s special counsel and chief speechwriter, was an accomplished lawyer, and later a senior partner in a prominent New York City firm.¹ Lawyers sometimes draw criticism for unnecessarily complex writing, but Sorensen did not multiply syllables with distractions such as these: *“Inquire not what your country can accomplish for you — inquire what you can accomplish for your country.”*

President Kennedy and Ted Sorensen understood the dynamics of spare, energetic language. In his *Dictionary of Modern English Usage*, H.W. Fowler explained that “shortness is a merit in words” because “short words are not only handier to use, but more powerful in effect; extra syllables reduce, not increase, vigour.”²

Talking On Paper

This article urges lawyers to invigorate their writing with short words that forcefully and accurately present fact and law. For legally trained and lay readers alike, law and public policy are complex enough as it is. Lawyers serve their clients and causes most effectively with the simplest possible writing that, in the context as the lawyer perceives it, conveys the intended message.

William Zinsser taught that “[w]riting is talking to someone else on paper.”³ Perceptive trial lawyers typically speak short words when they address judges, jurors, or other decision makers in courtrooms or other halls of justice. These lawyers preserve force and accuracy, avoid condescension, and spurn avoidable complexity that can impede communication about facts and law.

Lawyers should pursue similar goals when they commit words to writing. Legal writing expert Bryan A. Garner urges brief writers to “Save syllables. Shoot for one-syllable words when possible; failing that, aim for two-syllable words.”⁴ Garner and others illustrate short words that lawyers can substitute for longer ones without loss of meaning.⁵ Professor Richard C. Wydick, for example, provides these tandems, with the more complex word followed by the simpler: expedite, hurry; elucidate, explain; utilize, use.⁶

“Short Words Are the Best”

My new book, *Effective Legal Writing: A Guide for Students and Practitioners*,⁷ proceeds from the core premise that “the English language knows only two types of writing – good writing and bad writing. Good legal writing is good writing about a legal subject.”⁸ “[T]here’s not some special magic about legal writing,” says Justice Elena Kagan. “To be a good legal writer . . . is to know the law and be a good writer.”⁹

This kinship between good legal writing and other good writing invites lawyers to heed instruction that leading literary figures have offered for years about the vitality of short words. Few of these literary figures likely ever saw the inside of a law school, but the primary aims of any writer – lawyer and non-lawyer alike – remain universal. A lawyer’s tone and cadence may depend on whether the expected audience is friendly or adversarial or judicial, but the primary aims remain conciseness, precision, simplicity, and clarity.¹⁰

“Broadly speaking, the short words are the best, and the old words when short are best of all,” said Sir Winston Churchill, statesman and Nobel laureate in Literature.¹¹ Pulitzer Prize-winning historian Barbara W. Tuchman wrote that “short words are always preferable to long ones; the fewer syllables the better, and monosyllables, beautiful and pure . . . , are the best of all.”¹²

“The finest language is mostly made up of simple unimposing words,” said British Victorian novelist George Eliot (Mary Ann Evans).¹³ “Where a short word will do,” explained British writer and theologian Henry Alford, “you always lose by using a long one.”¹⁴

“Use the smallest word that does the job,” advised essayist and journalist E. B. White.¹⁵ “One of the really bad things you can do to your writing,” says novelist Stephen King, “is to dress up the vocabulary, looking for long words because you’re maybe a little bit ashamed of your short ones.”¹⁶

In a letter to a 12-year-old boy, Mark Twain praised the youngster for “us[ing] plain, simple language, short words, and brief sentences. That is the way to write English – it is the modern way and the best way. Stick to it; don’t let fluff and flowers and verbosity creep in.”¹⁷

“There Is Always a Short Word For It”

Nobel laureate Ernest Hemingway said that he wrote “what I see and what I feel in the best and simplest way I can tell it.”¹⁸ He once heard that William Faulkner had criticized him as someone who “had no courage, never been known to use a word that might send the reader to the dictionary.”¹⁹ “Poor Faulkner,” Hemingway responded. “Does he really think big emotions come from big words? He thinks I don’t know the ten-dollar words. I know them all right. But there are older and simpler and better words, and those are the ones I use.”²⁰

Humorist Will Rogers wrote more than 4,000 nationally syndicated newspaper columns,²¹ and he too favored simplicity. “[O]ne good thing about language, there is always a short word for it,” explained Rogers. “I love words but I don’t like strange ones. You don’t understand them, and they don’t understand you.”²²

“Words Everyone Could Understand”

Leading judges and lawyers have identified short words as a hallmark of effective legal writing. Justice Robert H. Jackson, one of the Supreme Court’s most gifted writers, stressed the Court’s responsibility “to do our utmost to make clear and understandable the reasons for deciding cases as we do.”²³ The skillful advocate, he said, “will master the short Saxon word that pierces the mind like a spear and the simple figure that lights the understanding. He will never drive the judge to his dictionary.”²⁴

With virtually no formal education, Abraham Lincoln became a successful lawyer before leaving the Midwest for national prominence. Historian Richard Brookhiser calls Lincoln “one of the greatest writers in the American canon – certainly the greatest ever to reach the White House (Jefferson at his best could be equally good, but his range was narrower).”²⁵

Biographer Harold Holzer describes how the president recast Americans' expectations about writing: "Before Lincoln, our leaders spoke in formal, complex sentences cluttered with long words and obscure references to ancient times. Lincoln simplified political writing. . . . He wrote in words everyone could understand – simple words that carried immense power and emotion."²⁶

Poetry and Prose

Lawyers contemplating the rhetorical force of short words can also draw lessons from poetry, which like prose strives to connect with readers. Poet Robert Bly says that poetry should use "words . . . you could speak to your friends."²⁷ Most lawyers speak short words to friends, free from irksome legalese that might sometimes mark their professional writing.

Consider "Trees," the much-loved poem that Joyce Kilmer wrote in 1913, five years before a sniper killed him at the Second Battle of the Marne a few months before the end of World War I:

*"I think that I shall never see
A poem lovely as a tree.*

*A tree whose hungry mouth is prest
Against the earth's sweet flowing breast;*

*A tree that looks at God all day,
And lifts her leafy arms to pray;*

*A tree that may in summer wear
A nest of robins in her hair;*

*Upon whose bosom snow has lain;
Who intimately lives with rain.*

*Poems are made by fools like me,
But only God can make a tree."*

As President Kennedy did at his Inaugural, Joyce Kilmer followed a time-tested formula. "Trees" delivered none of the "fluff and flowers and verbosity" that Mark Twain had disparaged in his letter to the young boy. Kilmer wrote short words – nearly all one-syllable, a few two-syllables, and only one longer. More than a century later, the poem's short words still resonate.

Douglas E. Abrams, a University of Missouri law professor, has written or co-written six books. Four U.S. Supreme Court decisions have cited his law review articles.

Endnotes

1 Tim Weiner, *Theodore C. Sorensen, 82, Kennedy Counselor, Dies*, N.Y. Times (Oct. 31, 2010), available at http://www.nytimes.com/2010/11/01/us/01sorensen.html?_r=0.

2 H.W. Fowler, *A Dictionary of Modern English Usage* 344 (Ernest A. Gowers ed., 1985).

3 William Zinsser, *On Writing Well* x (8th prtng. 2001).

4 Bryan A. Garner, *The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts* 321 (3d ed. 2014).

5 *E.g., id.* at 239; Henry Weihofen, *Legal Writing Style* 64-65 (2d ed. 1980).

6 Richard C. Wydick, *Plain English for Lawyers* 58 (5th ed. 2005).

7 Douglas E. Abrams, *Effective Legal Writing: A Guide for Students and Practitioners* (West Academic 2016) (quoting some of the literary figures quoted in this *Journal of the Missouri Bar* article).

8 *Id.* at 9; *see also* Jay Wishingrad & Douglas E. Abrams, *The Lawyer's Bookshelf*, N.Y.L.J., Dec. 12, 1980, at 2 (reviewing Richard C. Wydick, *Plain English For Lawyers* 1978)).

9 Bryan A. Garner, *Interview with Justice Elena Kagan*, LawProse (July 15, 2015), <http://www.lawprose.org/bryan-garner/garners-interviews/judges-lawyers-writers-writing/hon-elena-kagan-associate-justice-part-2-of-4/>.

10 Weihofen, *supra* note 5, at 8-104 (discussing the primary aims).

11 Susan Wagner, *Making Your Appeals More Appealing: Appellate Judges Talk About Appellate Practice*, 59 Ala. Law. 321, 325 (1998) (quoting Churchill); *see also* Douglas E. Abrams, *What Great Writers Can Teach Lawyers and Judges: Wisdom from Plato to Mark Twain to Stephen King (Part 2)*, 5 Precedent 22 (MoBar Winter 2011) (*Id.*; quoting some of the other writers quoted in this *Journal of the Missouri Bar* article).

12 Barbara W. Tuchman, *Practicing History* 16-17 (1981).

13 Albert Jack, *It's a Wonderful Word: The Real Origins of Our Favourite Words From Anorak to Zombie 1* (2012) (quoting Evans).

14 Henry Alford, *The Queen's English: A Manual of Idiom and Usage* 205 (7th ed. 1888).

15 Max Messmer, *It's Best to be Straightforward On Your Cover Letter*, Resume, Pittsburgh Post-Gazette, Nov. 29, 2009, at H1. (quoting White).

16 Stephen King, *On Writing: A Memoir of the Craft* 117 (2000).

17 Richard Lederer, *Foreword* to Robert Hartwell Fiske's, *The Dictionary of Concise Writing: 10,000 Alternatives to Wordy Phrases* 9 (2006) (quoting Twain).

18 A. E. Hotchner, *Papa Hemingway: A Personal Memoir* 69 (1966) (quoting Hemingway).

19 *Id.* at 69.

20 *Id.* at 69-70; *see also* Kurt Vonnegut, Jr., *The Latest Word*, Book Review, N.Y. Times, Oct. 30, 1966, at BR1 ("I wonder now what Ernest Hemingway's dictionary looked like, since he got along so well with dinky words that everybody can spell and truly understand.").

21 Mark Schlachtenhaufen, *OK-Centennial Snapshot: Will Rogers' Grandson Carries On Tradition of Family Service*, Okla. Publishing Today, May 31, 2007, http://web.archive.org/web/20070928161652/http://www.okinsider.com/topic_01OF0MMAHY/readstory.oki?storyid=03K101DDQ (visited Apr. 10, 2016).

22 Betty Rogers, *Will Rogers* 294 (Univ. of Okla. Press 1979) (quoting Will Rogers).

23 *Douglas v. Jeannette*, 319 U.S. 157, 182 (1943) (Jackson, J., concurring).

24 Robert H. Jackson, *Advocacy Before the United States Supreme Court*, 37 Cornell L. Rev. 1, 15 (1951).

25 Richard Brookhiser, *What Would Lincoln Do? Modern-Day Leaders Could Learn a Lot From Our 16th President*, Wall St. J. (Feb. 14, 2014, 8:04 PM), <http://www.wsj.com/articles/SB10001424052702303704304579382882084406374>.

26 Abraham Lincoln the Writer; A Treasury of His Greatest Speeches and Writings 18 (Harold Holzer ed., 2000).

27 Bill Moyers, *The Language of Life: A Festival of Poets* 60 (1995) (quoting Bly).