Fear of Writing


Reviewed by James Lindgren†

[T]he shibboleths of usage are protected and propagated by oral tradition; certainly they are not based on the usage exemplified by literature of acknowledged value.

—Mary Taylor, The Folklore of Usage

I

AN INTRODUCTION TO LIFE IN HELL

This Review Essay is a tale of two books—the new sixth edition of the Texas Law Review Manual on Style and Merriam-Webster's new Dictionary of English Usage. For those who read book reviews only to find out whether the reviewer liked the book, let me be clear. One is a good book (the Dictionary of English Usage); the other is a bad book (the Texas Manual on Style). Now you may think that I shouldn't use words like good and bad to describe books because these words carry moral connotations that I surely don't intend. Ah, but I do. The Texas Law Review Manual on Style is a bad book in the same sense that The Total Woman and Das Kapital are bad books. Although the motives of their authors may have been good, these books have worked evil. In each an

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2. TEXAS LAW REVIEW MANUAL ON STYLE (6th ed. 1990) [hereinafter TEXAS MANUAL].
3. WEBSTER'S DICTIONARY OF ENGLISH USAGE (1989) [hereinafter WEBSTER'S].
5. K. MARX, CAPITAL (1967 ed.).
author painted a warped vision of a better world that distorted human expression and ultimately tended to enslave the human spirit.

By now it must be obvious that this is a polemic. Only someone who has been repeatedly tortured by the Texas Manual on Style would have written such an inflammatory opening. Perhaps you will give me more than the usual leeway because the Texas Manual on Style was originally written in the 1960s by a committee of law students, presumably now so rich and powerful as practicing attorneys that they pay other people (called associates) to read law reviews for them. In any event, their guilt is collective—and thus perhaps less sharply felt.

The Texas Manual on Style is one of the most pernicious collections of superstitions that has ever been taken seriously by educated people. Discussing fine points of English usage with a battalion of law review editors armed with the Texas Manual on Style is a bit like trying to carry on rational discussions with followers of astrology. No amount of reasoned argument can shake their belief in rule by the stars. I know. I've tried. Listing the couple hundred style errors introduced into a manuscript by "editors" and attaching excerpts from respected style texts to illustrate these errors is time-consuming, frustrating, and divisive. When those texts conflict with a bogus authority such as the Texas Manual on Style, as they often do, it is sometimes impossible to keep my prose from sounding as if it were written by an above-average third-year law student. It may be all right for something trivial like President Reagan's schedule to be run by Nancy Reagan's astrologer, but for something important—legal scholarship—rule by astrology is intolerable.

Having said that, I must admit that the new sixth edition of the Texas Manual is an improvement over the fifth edition. I have always thought of the Texas Manual as The Style Book From Hell. With the new edition, I feel the need to be more precise: Which circle of Hell does it belong in? The fifth edition definitely belongs in the bottom circle of Hell, but the sixth edition has moved up two or three circles. The editors of the Texas Law Review deserve praise for turning a truly awful book into a very bad one.

The phenomenon that gives rise to such nonsense as the Texas Manual has been well understood by grammarians. H. W. Fowler was content to call such views "fetishes" or "superstitions." Theodore Bernstein gave them their most colorful term, Miss Thistlebottom's hobgoblins. For Bernstein, the disapproving schoolmarm, Miss Thistlebottom, represented a composite of the type of person who cared

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7. T. Bernstein, Miss Thistlebottom’s Hobgoblins 3-11 (1971).
8. Bernstein chose a female as his exemplar, probably because most high-school English
very much about good usage, but didn’t know it when she saw it. She had a list of supposed infelicities (probably called “pet peeves”) that had been inherited mostly from an oral tradition.

In a classic article in *College English* examining how spurious usage rules are passed down to students, Mary Taylor referred to these nonrules as “The Folklore of Usage.” The folklore approach to composition views good writing as the avoidance of a series of pitfalls or wrong steps. Taylor commented that “this practice denies the systematic nature of language.” The *Texas Manual* propagates at least 6 of 19 spurious rules that Taylor examined in a survey of English graduate students teaching undergraduate courses. Taylor concluded that the folklore approach appeals to the linguistically insecure. She discussed William Labov who related linguistic fear to upward mobility. This, of course, nicely describes the world of law review editors. They are suddenly placed in positions of responsibility for which they are grossly unsuited—certainly I was. They are insecure about their writing and editing skills and have little hope of acquiring these skills before they’ll need them. So they retreat to the safety of the elaborately anal world of stigmatic rules. In most fields the spurious rules are spread by an oral tradition, though most are contained in one book or another. In law, where the linguistically insecure are also publishers, they have collected the worst of many books and reduced some of the folklore to writing—hence, the *Texas Law Review Manual on Style*.

In contrast to the *Texas Manual* is a superb new *Dictionary of English Usage* published by Merriam-Webster. I have yet to meet a law professor, lawyer, or law student who has seen it. Yet it’s available even in many of those nondescript bookstores that litter perfectly good shopping malls in the suburbs, bookstores with names like B. Walden. The superiority of *Webster’s English Usage* lies not only in its greater length, breadth, and detail. It is well conceived, staggeringly well researched, and soundly argued. While the *Texas Manual* is silly, superstitious, and thick-headed; *Webster’s English Usage* is sound, scholarly, logical, historical, and persuasive. It is what a usage dictionary ought to be.

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teachers are women. In my own dealings with law review editors, I would say that the Thistlebottoms in my world seem to be evenly distributed between the sexes.

9. TAYLOR, supra note 1, at 756.
10. *Id.* at 762.
12. *Id.* at 761-68.
13. W. LABOV, THE SOCIAL STRATIFICATION OF ENGLISH IN NEW YORK CITY 468-78 (1966). Labov, however, refers more to class mobility than to situational or power mobility.
II

THE TEXAS LAW REVIEW MANUAL ON STYLE: ROASTING HOBGOBLINS, TEXAS STYLE

"The excellent tribe of grammarians . . . have as much power to prohibit a single word or phrase as a gray squirrel has to put out Orion with a flicker of its tail."

—H. L. Mencken, quoting from the New York Sun.¹⁴

The Texas Law Review Manual on Style is a small, short book designed primarily for law reviews, but it's also used by professors, students, and practitioners. Apparently, it was first published in the 1960s;¹⁵ its sixth edition was published in the fall of 1990. Although I have read dozens of style books since 1975, I didn't stumble onto the Texas Manual until 1987. After about five minutes skimming it, I marveled at why anyone other than a vanity press would publish it. But then I remembered that our business supports hundreds of vanity presses that we call law reviews. Not surprisingly, this book was published by the Texas Law Review itself.¹⁶

It seemed almost as if just picking it up was a curse. On my next four articles—at the Georgetown Law Journal, North Carolina Law Review, and UCLA Law Review (twice)—I had to do battle with editors using the Texas Manual as if it were a reputable authority. North Carolina even sent out a confirming letter announcing that it had adopted the Texas Manual as its only English usage book.¹⁷ Fortunately, this journal, the California Law Review, doesn't use the Texas Manual. But the Texas Manual must be gaining ground with the law reviews because I don't remember it being mentioned in my earlier disputes with editors of my manuscripts at the Yale Law Journal or the Harvard, Columbia, or Vanderbilt Law Reviews. Nor was it used on the University of Chicago Law Review in 1976 and 1977 when I edited all articles and comments for English usage.

I recently checked back with these five reviews to find that Columbia and Vanderbilt have switched over to the Texas Manual. An editor of the California Law Review announced, "The Texas Manual is our pri-

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¹⁵. I express some doubt on this point because the OCLC contains no record of the first edition in any law school library. It's possible that the first edition was an unpublished internal law review style manual. In any event, the first edition was not widely disseminated. The second edition was published in 1968.

¹⁶. I assume that this particular book makes money since it has been through six editions. The current editor-in-chief said that it sold well, but he didn't know the exact figures. Telephone conversation with Charles Moody (Sept. 10, 1990). He knew nothing of the book's early history.

¹⁷. For citation form it adopted the "Blue Book"; A Uniform System of Citation (14th ed. 1986).
mary style guide." And the Vanderbilt Law Review distributes copies of the Texas Manual to every member of the staff. Harvard, Yale, and Chicago, however, still don’t use it. Thus five of the nine reviews I surveyed use the Texas Manual. From my limited sample it appears that the Texas Manual has been adopted by most law reviews except for the most elite reviews.

Half of the Texas Manual covers issues of capitalization, italics, punctuation, spelling, and manuscript preparation. I have only minor quarrels with these sections, not worth discussing in this review. The purpose of these sections is to make these relatively minor issues consistent by reducing them to rules. Although rigid, they are competently presented.

It’s the half of the book dealing with English usage that is mostly wrong. Of the 92 entries in this part, by my count 51 are defective. Indeed, of the 27 pages of text in the grammar part, only one page isn’t disfigured by some piece of false or misleading information. This is incompetence of stunning proportions. Most of the entries raise extremely fine points of English usage; 69 entries, in fact, discuss the proper uses of individual words and phrases. Accordingly, some of my criticisms are of small matters, but then, that’s what the Manual’s usage section is about.

A. Dummy Subjects

There is an irrational prejudice against sentences or clauses beginning with dummy subjects (there is, there was, there are, there were). Note that the last sentence contained such a dummy subject. The purpose of a dummy subject is to invert the usual order of a sentence. Yet the Texas Manual on Style tells us to avoid this construction.

20. Telephone conversations with Jacqueline Scott & Michael Guzman (Sept. 10, 1990), Jacqueline Charlesworth (Sept. 11, 1990), and Andrew Nussbaum (Sept. 10, 1990).
21. Texas Manual, supra note 2, at 45 (arbitrarily requiring a comma after Thus as if it were always appropriate).
22. Id. at 29.
23. More precisely, it tells us:
Avoid this construction when the sentence can be written in a noninverted order without losing any of the sentence’s meaning or effect. This error occurs frequently when a defining that clause follows the inverted subject. Examples:

Verbose: There are ten states that have not complied with the desegregation order.
Better: Ten states have not complied with the desegregation order.

Verbose: There is little direct legislative history . . . for the Act’s exclusion of farm workers.
Better: Direct legislative history for the Act’s exclusion of farm workers is virtually nonexistent.

Id. at 35. The only sentence that could by any stretch of reason be called an “error” is the fourth
Although there are many reasons to want to use a dummy subject, the most important is to adjust the order of information in a sentence. Compare the inverted and noninverted forms of the first sentence.

Inverted Form (standard English):24

There is an irrational prejudice against sentences beginning with dummy subjects (there is, there was, there are, there were).

Noninverted Form (Texas English):

An irrational prejudice against sentences beginning with dummy subjects (there is, there was, there are, there were) exists.25

Even unsophisticated high-school students could probably identify the better sentence, but they wouldn’t know why. The noninverted form violates two principles of suggested word order, the short-to-long principle and the old-to-new principle. As explained by Joseph Williams, the short-to-long principle posits that sentences moving from shorter subjects to longer predicates are more graceful and easier to comprehend.26 The Texas form of the sentence makes us wait until the last word exists to see where the sentence is going. The old-to-new principle posits that the most important information in a sentence should come as close to the end as possible.27 Here the most important information isn’t that a prejudice exists, but what that prejudice is. Therefore, the inverted form should be preferred.

To be edited by student editors unfamiliar with these principles is painful. They often express surprise when I try to reject a revision that sentence, labeled “better.” In the second pair of examples, the sentence labeled verbose is clearly superior, as I explain at infra, notes 29-32 and accompanying text. In the first set of examples, the “verbose” sentence is superior if the main idea of the sentence is ten or states, while the sentence labeled “better” is superior if the main idea is not complied. The principle that guides this choice is discussed at infra note 27 and accompanying text.

24. In this essay, I use the term standard English as a necessarily inexact term of art. I use it in its conventional meaning, but restrict it to written English in the United States: standard means “well-established in the writing of the educated and widely recognized as acceptable. . . . Standard English is the language of business, literature, and journalism.” WEBSTER’S, supra note 3, at 871 (internal quotation marks omitted). I am not arguing that law reviews should be limited to standard English, only that nearly any usage that is standard English ought to be allowed unless there is a compelling reason against it. Nor am I arguing that there is only one kind of standard English; that is why I limit my use here to American written English, though I view British examples as presumptively standard English unless there is a reason to suppose that American usage differs.

25. A less bad but still inferior rewriting of the first sentence of this section would be:

An irrational prejudice exists against sentences beginning with dummy subjects (there is, there was, there are, there were).


27. Id. at 38-46; see W. STRUNK & E. B. WHITE, THE ELEMENTS OF STYLE 26-27 (2d ed. 1972). My citing STRUNK & WHITE isn’t an endorsement of their book. Although the general style advice is good, Strunk’s blacklist of supposedly misused words is embarrassingly bad. It’s substantially based on Ambrose Bierce’s little book of prejudices, WRITE IT RIGHT (1909). Although Bierce’s book isn’t taken seriously anymore, Strunk is. STRUNK & WHITE, like Bierce, seems to be a pre-OED book: most of its restrictive claims can’t survive the evidence of the OED. See OXFORD ENGLISH DICTIONARY (2d ed. 1989).
even a tin-eared high-school student would find inferior. They may point out that the noninverted form is shorter, avoids the supposed error *there is*, and uses *exists* instead of *is*. My pointing to more important but more subtle principles leaves them unpersuaded. After all, the editors are armed with the highest possible authority in the land of the occult, the Texas Manual on Style.

Perhaps you might object that the Texas Manual would not suggest such an obviously inferior rewriting as I have posited. But it does suggest one almost as bad:

[Criticized]: There is little direct legislative history . . . for the Act’s exclusion of farm workers . . .

[Recommended]: Direct legislative history for the Act’s exclusion of farm workers is virtually nonexistent.

Note that the recommended second sentence violates the short-to-long principle. Further, the recommended sentence ends with an adjective, usually a relatively weak ending. The criticized sentence, on the other hand, follows the short-to-long principle and combines two typically strong endings, a nominalization (*workers*) and a prepositional phrase introduced by of.* Only someone who isn’t a native speaker of English or someone following a spurious rule might be likely to prefer the second sentence. Also, although the Texas Manual calls dummy subjects “verbose,” the suggested revision is longer, substituting eight syllables for three and twenty letters for eleven.

A 1988 empirical study of expert writers found that dummy subjects are extremely common, appearing with roughly the same frequency at all levels of discourse. Like any proper construction, the dummy subject can be overused. But as Webster’s English Usage concludes, “The construction itself is impeccable . . . .”

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29. *Texas Manual*, *supra* note 2, at 16. I have used an ellipsis in the criticized example because the Texas Manual has included unnecessary other words (“concerning the reason”) that are unrelated to the usage being examined.
30. A nominalization is a noun form of a verb or adjective (*worker* is a form of *work*). *See J. Williams*, *supra* note 26, at 154-58.
31. Williams, *Defining Complexity*, 40 COLLEGE ENG. 595, 607-08 (1979). The other particularly strong way to end a sentence noted by Williams is a coordinate construction.
32. I am assuming here that the main idea of the sentence is what is lacking: *legislative history*. If *virtual nonexistence* were the main idea, one could make a case that the short-to-long principle would conflict with the old-to-new principle. In any event, the choice should be made without regard to the spurious rule against dummy subjects.
34. Huckin & Pesante, *Existential There*, 5 WRITTEN COMMUN. 368 (1988); *see Webster’s*, *supra* note 3, at 899.
35. *Webster’s*, *supra* note 3, at 898.
B. Split Verbs

Unquestionably, the most dangerous advice in the old fifth edition of the *Texas Manual* was its disapproval of split verbs: “Avoid splitting verb phrases with adverbs . . . .”\(^{36}\) In other words, don’t place an adverb between the parts of a compound verb. Yet Fowler\(^{37}\) and Follett\(^{38}\) (both praised in the Foreword to the *Texas Manual*) argued that the normal place for an adverb is in the midst of a multiple word verb. Thus the fifth edition of the *Texas Manual* seemed to have gotten the rule backwards. It prohibited what the experts recommend.

This nonsensical rule against split verbs has caused entire volumes of law reviews to be filled with page after page in which adverbs have been squeezed out of their normal place. Most law professors who have dealt with law reviews recently seem either to have had disputes about the placement of adverbs or, worse, to have adopted the Texas approach, the approach of people who write as if English were a second language. It’s frightening to think that the ability of a generation of law professors to recognize their native language has been damaged by one silly book.

Before picking up the *Texas Manual* in 1987, I had noticed that the ability of the law reviews to place adverbs correctly had deteriorated, but I hadn’t known the reason.

What was particularly ridiculous about the *Texas Manual*’s rule was that the *Manual* itself repeatedly split verbs in violation of its own rule, a fact that somehow eluded law review editors policing my prose. The only discursive prose in the entire Manual, a four-paragraph Foreword by Charles Alan Wright, contained six split verbs,\(^{39}\) for example, “their

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\(^{36}\) *Texas Law Review Manual on Style* 16 (5th ed. 1987) [hereinafter *Texas Fifth Edition*]. The fifth edition allowed an exception for discrete and recognizable concepts such as substantial performance (“he had substantially performed”). Id.

\(^{37}\) *Fowler*, supra note 6, at 462-66.


\(^{39}\) Five were by Wright and one was from a quotation by E. B. White:

1. “their thought can best be expressed,”
2. “it will be more readily understood,”
3. “law reviews do not care,”
4. “lawyers do not understand,”
5. “The rules . . . should not be regarded,” and
6. “the writer . . . does not thrash about.”

*Texas Fifth Edition*, supra note 36, at Foreword (emphasis added). I noticed only one instance in which Wright followed the rule of the *Texas Manual*: “E. B. White has put the matter well . . . .” Id. (emphasis added). Here, as in the other six examples, Wright seems to have made the best choice. In standard English you should expect to find most adverbs of only one or two words in length placed inside a compound verb. Thus Wright’s practice here is typical: six out of seven times he split the verb. It would be ridiculous to follow the advice of the fifth edition and write “lawyers do understand not,” “lawyers not do understand,” or “lawyers not understand.”

In the sixth edition Wright has added a fifth paragraph, splitting yet another verb: “I would now add.” *Texas Manual*, *supra* note 2, at Foreword (emphasis added).
thought can best be expressed." The Foreword isn’t the only place where the fifth edition violated its own rule. Split verbs were common in its text. I found fifteen violations in just four pages, for example, “what has already been said.”

The new sixth edition of the Texas Manual has greatly softened its rule against split verbs. It now states:

Splitting verb phrases with adverbs is permissible if the adverb modifies the verb and not some other part of the sentence.

Note that the Texas Manual doesn’t say that split verbs are normal or preferable, language it uses to recommend other constructions. Rather, it says that split verbs are permissible. I get the impression that the authors are consciously lowering their standards by permitting but not recommending split verbs. It would have been better if they had admitted their mistake, published an errata sheet for the fifth edition, and begged the academy to forgive them. But the new rule leaves the status of the old rule in doubt. Are split verbs still suspicious constructions in Texas? I think so. The change from the strict old rule is substantial, but given the fifth edition’s culpability for the old rule, some effort should have been made to clarify the Texas Manual’s current position.

A much better approach would have been to explain the normal placement of adverbs, as Fowler and Follett do. Follett offers a clear statement of the usual practice for the placement of adverbs. His third

40. Id.
41. Here are examples from only four pages of printed text:
(1) “We can only form a sound and trustworthy opinion . . . .”
(2) “what has already been said.”
(3) “Both are always followed . . . .”
(4) “The use of i.e. and e.g. should usually be restricted . . . .”
(5) “anything that is inseparably connected . . . .”
(6) “a change of position will not spoil . . . .”
(7) “Can . . . should not be used . . . .”
(8) “It does not mean uninterested.”
(9) “When due to does not modify a noun . . . .”
(10-15) “Do not use . . . .” [appears six times]

42. Id. at 24.
43. Texas Manual, supra note 2, at 14 (emphasis added). The qualification, “if the adverb modifies the verb and not some other part of the sentence,” is also unhelpful. If the adverb modifies only some other part of the sentence, you don’t need a rule to see that the adverb is misplaced. But what if the adverb modifies the verb end some other part of the sentence, i.e., what if the adverb is a sentence adverb? It would seem that the Texas rule would prohibit splitting the compound verb. Yet a split verb is one of the proper placements for a sentence adverb:

(1) Unfortunately, I could be wrong.
(2) I, unfortunately, could be wrong.
(3) I could, unfortunately, be wrong. (split verb)

44. Because the Texas Law Review was publishing a new sixth edition, they might have instead admitted the error in an editors’ foreword to the new edition.
45. See supra note 43.
rule is: "With a compound verb—that is, one made with an auxiliary and a main verb—the adverb comes between auxiliary and main verb . . . ." Follett goes on to lament the loss of "instinct about the rhythms of the mother tongue."

You can perhaps begin to see the superiority of the other book under review here, *Webster's Dictionary of English Usage*, from Webster's discussion of the folklore of the split verb:

Copperud 1970, 1980 talks about an erroneous idea widespread among newspaper journalists that adverbs should not separate auxiliaries from their main verbs (as in "you can easily see" or "they must be heartily congratulated"). This bugaboo, commentators agree, seems to have sprung from fear of the dread split infinitive. Copperud cites five commentators on the subject, all of whom see no harm in placing an adverb between the parts of a verb, and one of whom (Fowler 1965) prescribes such placement. Fowler (under *position of adverbs*) has a long and detailed discussion, complete with numerous examples in which the adverb has been improperly (to his mind) shifted so as to avoid the split. Since dividing the auxiliary from the verb with an adverb has been approved at least since Lindley Murray 1795, it would seem that Fowler is justified in calling the avoidance a superstition. 48

There it is. The fear of split verbs is a superstition borrowed from some misinformed newspaper journalists. Respected commentators since 1795 are unanimous in finding it proper.

C. Verbosity

The *Texas Manual on Style* doesn't like many good English words and phrases. In a section entitled verbosity, it rejects as unnecessary such phrases as:

*In many cases,*

*On balance,* and

*This is a case that.* 49

There is nothing wrong with any of these constructions. The first, *In many cases*, is a natural prepositional phrase with which to begin a sentence describing something that happened in many cases. Elsewhere in the *Texas Manual*, it recommends as "Correct" a sentence beginning with the phrase *In this case*. Why is *In many cases* called "verbose" while *In this case* is called "Correct"?

The second phrase, *On balance*, is a natural prepositional phrase with which to begin a sentence offering an observation that is true on

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46. *W. Follett*, *supra* note 38, at 53.
47. *Id.* at 53-54.
48. *Webster's*, *supra* note 3, at 36 (cross references omitted).
50. *Id.* at 25.
balance, but not in every particular. The third construction, This is a case that, may sometimes be the best opening for a sentence, although one should consider starting the sentence with In this case or This case.\(^{51}\)

The Texas prejudice against these useful constructions suggests some latent hostility to metadiscourse, “discourse about discourse.”\(^{52}\) Some style writers are under the misimpression that comments about how to receive the main idea of a sentence are somehow improper, a prejudice that led one writer to call them throat-clearers.\(^{53}\) Like any other proper and useful construction, metadiscourse can be overused. But it shouldn’t be prohibited.

**D. Preposition at the End of a Clause Beginning With That**

The fear of a preposition at the end of a clause or sentence has been extant since John Dryden. In 1672 Dryden “discovered” this supposed error in his own and others’ writings. As Webster’s English Usage explains:

> We cannot be sure how Dryden developed the idea that the terminal preposition was an error, but Latin is probably involved. The construction does not exist in Latin, and Dryden claimed to have composed some of his pieces in Latin and then translated them into English—apparently for greater elegance or propriety of expression.\(^{54}\)

Dryden was complaining about a good construction that had been used by Shakespeare and Ben Jonson.\(^{55}\) Webster’s English Usage discusses the earlier and later history of the construction, making the following observations:

> [R]ecent commentators—at least since Fowler 1926—are unanimous in their rejection of the notion that ending a sentence with a preposition is an error or an offense against propriety. Fowler terms the idea a “cherished superstition.” And not only do the commentators reject the notion, but actual usage supports their rejection.

> We also have evidence that the postponed preposition was, in fact, a regular feature in some constructions in Old English. No feature of the language can be more firmly rooted than if it survives from Old English. Evidently the whole notion of its being wrong is Dryden’s invention.

\(^{51}\) The Texas Manual suggests This case, but this construction may sometimes cause a sentence to violate the short-to-long principle. See supra notes 23-35 and accompanying text (dummy subjects).

\(^{52}\) See J. Williams, supra note 26, at 27-29, 93-99; Lindgren, Style Matters: A Review Essay on Legal Writing, 92 YALE L.J. 161, 176-77.

\(^{53}\) R. Wydick, Plain English for Lawyers 63-64 (1979), criticized in Lindgren, supra note 52, at 176-77.

\(^{54}\) Webster’s, supra note 3, at 764.

\(^{55}\) Id. at 764.
The preposition at end has always been an idiomatic feature of English. It would be pointless to worry about the few who believe it is a mistake.56

The Texas Manual on Style doesn't object to all postponed prepositions, only those where the object of the preposition is that.57 It would require us to rewrite them so that on which or with which is substituted for the postponed preposition and its object that. The Texas Manual offers these examples:

Incorrect: The case that the lawyer was working on never went to trial.
Correct: The case on which the lawyer was working never went to trial.

Incorrect: Congress tried to remedy a problem that the courts refused to concern themselves with.
Correct: Congress tried to remedy a problem with which the courts refused to concern themselves.58

Both the constructions labeled “Incorrect” and the ones labeled “Correct” are equally correct. In some contexts the Texas version would appear suffocatingly over-written; in other contexts the other version might seem too casual. Any preference between the two approaches is not a question of “Correct” and “Incorrect,” but of style and tone.

There are two additional oddities about the Texas Manual’s discussion of its prohibition of a preposition at the end of a clause beginning with that. First, the Manual seems to be laboring under the misimpression that in this situation the word that is a relative adverb.59 It’s a relative pronoun. Fowler does have an entry approving of that serving “as a sort of relative adverb equivalent to which with a preposition.”60 None of the Texas Manual’s examples, however, involve this construction. The Texas examples, which move the prepositions but don’t eliminate them, are standard uses of that as a pronoun.

Second, although the Manual requires which instead of that in cases of postponed prepositions, the next rule begins with the admonition: “Use that [not which] . . . to introduce a restrictive relative clause . . . .”61 Note that both examples above of supposedly incorrect sentences use that to introduce a restrictive relative clause. What one rule calls incorrect, the next rule demands. Nonsense upon nonsense.

56. WEBSTER'S, supra note 3, at 763-65.
57. TEXAS MANUAL, supra note 2, at 33.
58. Id.
59. The TEXAS MANUAL's title for this section is: “2:17:60. THAT (RELATIVE ADVERB).” TEXAS MANUAL, supra note 2, at 33.
60. See FOWLER, supra note 6, at 628.
61. TEXAS MANUAL, supra note 2, at 33.
E. Dangling Modifiers

The Texas Manual doesn’t like dangling modifiers, but it doesn’t know when they are proper and when they aren’t. The problem with its analysis is that the Texas Manual on Style fails to explain the necessary exceptions to the rules or give any examples of acceptable danglers. No grammar book today can competently examine dangling modifiers without discussing and giving examples of acceptable danglers. The Texas Manual on Style begins its grammar section with dangling modifiers and spends more space on this question, two pages, than on any other usage topic.

I covered this ground in an earlier essay, but it bears repeating here. In analyzing this error, the Texas Manual itself makes several missteps. Most seriously, it doesn’t explain the acceptable uses of the dangling modifier. In 1926 Fowler explained the first acceptable use:

[It] is to be remembered that there is continual change going on by which certain participles or adjectives acquire the character of prepositions or adverbs, no longer needing the prop of a noun to cling to; we can say, Considering the circumstances you were justified, or Roughly speaking they are identical[.] . . . They are illiterate (using the word in its widest sense); . . . [or] Allowing for exceptions, the rule may stand. In all of these examples, a participle has become an acceptable dangler by being converted into a preposition or adverb. Although modern grammarians of every stripe consider this converted participle proper, the Texas Manual doesn’t recognize it.

The second exception to the rule against dangling modifiers largely overlaps with the first. According to Joseph Williams, dangling modifiers are permitted when either the modifier or the subject of the main

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62. Id. at 10-12.
63. Lindgren, supra note 52, at 179-82.
64. H. W. Fowler, Fowler’s Modern English Usage 674-76 (1st ed. 1926); see also Fowler, supra note 6, at 659-61 (discussing unattached participles).

The Evanses are quite pointed in their criticism of the position the Texas Manual has adopted:

In the first place, there are two types of participial phrase which must immediately be recognized as exceptions. (1) There are a great many participles that are used independently so much of the time that they might be classed as prepositions (or as conjunctions if they are followed by a clause). These include such words as concerning, regarding, providing, owing to, excepting, failing. (2) Frequently, an unattached participle is meant to apply indefinitely to anyone or everyone, as in . . . looking at the subject dispassionately, what evidence is there?. This is the idiomatic way of making statements of this kind and any other construction would be unnatural and cumbersome.

And the rule is still bad, even if these exceptions are recognized. There is no need to twist a sentence out of its natural form merely in order to make the subject of the participle also the subject of the principal verb. Good writers do not hesitate to use exactly the construction the rule forbids, as in lying in my bed, everything seemed so different . . . .
clause is metadiscourse. For example:

In order to start the motor, it is essential that the retroflex cam connecting rod be disengaged.

To summarize, unemployment in the southern tier of counties remains the state's major economic and social problem.

But perhaps you would argue that the Texas Manual is merely simplifying its argument to make it easier for law review editors to absorb, that it wouldn't attack one of these acceptable danglers. Unfortunately, this isn't true. As one of its examples of "Incorrect" dangling modifiers, The Texas Manual offers:

Hampered by public opinion, it was difficult for the court to convict the defendant.

Here it was difficult is metadiscourse. Thus the sentence is proper.

Another problem with the Texas Manual's analysis of danglers is its apparent violation of its own rule ten pages later. The Texas Manual states:

Strictly speaking, an alternative is one of only two options.

The authors (not the word alternative) are speaking strictly. Thus, according to the Texas Manual, this sentence is incorrect. Of course, grammarians would consider this sentence proper. Strictly speaking is the type of phrase that Fowler, Follett, and Williams have recognized as an acceptable dangler.

It disturbs me to see how far the Texans are willing to go to avoid writing naturally. As Bergen and Cornelia Evans put it, "The rule against the 'dangling participle' is pernicious and no one who takes it as inviolable can write good English."

F. Other Defective Rules

The Texas Law Review Manual on Style contains over three dozen additional rules that are wrong or misleading. It would be entirely too tedious to go over them in the same sort of detail as I have used on the erroneous rules already discussed. A few more should be mentioned in passing to illustrate the range of problems.

1. While. The Texas Manual believes that "While means during
the time that or although." It disapproves of the use of while in a sentence where it means whereas:

Incorrect: . . . The Rule in Shelley's Case applies to contingent remainders, while the Doctrine of Worthier Title applies to reversions.

As the OED attests, while meaning whereas has been standard English since at least 1749. Indeed, the OED combines the meaning although with the meaning whereas in the same subdefinition. One modern empirical study found that while meaning whereas is as commonly used as whereas itself.

2. Where. The Texas Manual believes that where is misused when it means situation:

Only use where to designate place and not as a substitute for when or in which. Examples:

Incorrect: A jury trial is mandatory where the State seeks the death penalty. (when)
Cases where the jury becomes deadlocked occur frequently. (in which)

Both sentences labeled incorrect are correct. Where designating situation has been well established since before Shakespeare's time. If Emily Dickinson may write "mine is the case where," so may I.

3. Such As. Bizarrely, the Texas Manual claims that such as can't be used to introduce words other than nouns or pronouns. As an example of a supposedly incorrect sentence, it offers:

Rare gems such as are found in Africa are expensive.

This is a perfectly good sentence. The Texas advice conflicts directly with the observation of Webster's English Usage:

Such is often followed by a clause that explains or expands. The clause is usually introduced by as:

. . . were such as made him seem not even quite an Englishman —
Edmund Wilson, New Yorker, 18 Sept. 1971

73. Texas Manual, supra note 2, at 36.
74. Id. The entry is further confused by its assumption that while in this sentence means and. Obviously, it means whereas. In any event, the Texas Manual doesn't recognize the sense of while meaning whereas.
75. 20 O.E.D. 2d, supra note 27, at 232-33 (while).
76. Id.
77. See M. Bryant, Current American Usage 231-32 (1962).
78. Texas Manual, supra note 2, at 33-6.
79. See 20 O.E.D. 2d, supra note 27, at 211-12 (where); Lindgren, supra note 52, at 182-83; Webster's, supra note 3, at 954-55. For other authors making the same error, see G. Block, Effective Legal Writing: A Style Book for Law Students and Lawyers 35 (1981); H. Weihofen, Legal Writing Style 40 (2d ed. 1980).
80. Webster's, supra note 3, at 954 (comma omitted).
81. Texas Manual, supra note 2, at 32.
standards of decency and standards of truth (such as survive) —
Robert M. Adams, Bad Mouth, 1977

an easy lack of fearsomeness such as is weirdly charming —
Christopher Ricks, N.Y. Rev. of Books, 9 Mar. 1972

These examples, especially the last one, are much like the sentence labeled incorrect by the Texas Manual. All squarely violate the Texas rule. All are correct.

4. Such. The Texas Manual says: “Never use such as a pronoun.”

Why not? Webster’s English Usage tells us:

But the OED shows that such has been a pronoun since the time of Alfred the Great, more than 900 years ago. It is still in use, and it is used in standard English, no matter how the commentators label it. Many of its uses are actually uncontroversial.

Such are the harsh facts . . . . —Walter Laqueur, Commentary, January 1972

Such is overused by lawyers as a pronoun, but you shouldn’t throw out a perfectly good word just because it’s used too often.

5. None. The Texas Manual requires that none take a singular verb “unless the context clearly shows it is used in a plural sense.” In fact, since Old English none has taken either a singular or a plural verb. As long as a writer knows that she is free to choose whichever one she wants, she is likely to make the better choice herself. Only if the choice between singular and plural senses has been distorted by relying on a rule such as the one from Texas will an editor need to intervene. According to empirical studies, none is more often plural than singular. The notion that none is singular has been called “a myth of unknown origin that appears to have arisen late in the 19th century.”

6. Feature. The Texas Manual mistakenly believes that feature can’t be used as a noun. feature can’t be used as a noun. It labels as incorrect: “Another feature of this case.” Feature used as a noun has always been impeccable English. The first uses in the OED date from the 1300s and are continuous through the centuries. It appears that early in the 20th century it was common to disapprove of feature in its verb forms (for example, “The

82. WEBSTER’S, supra note 3, at 880.
83. Id. at 879.
84. TEXAS MANUAL, supra note 2, at 15. It also claims that none means not a single one or not any. Id. Yet the meaning not any is precisely the usage that most naturally takes the plural. See WEBSTER’S, supra note 3, at 663.
85. M. BRYANT, supra note 77, at 8.
86. WEBSTER’S, supra note 3, at 664.
87. TEXAS MANUAL, supra note 2, at 25 (emphasis added).
88. 5 OED 2d, supra note 27, at 790-91 (feature). The first noun use in the sense often used today, “A distinctive characteristic or part of a thing,” dates from 1692 (“Examine separately each feature of the Picture”—Dryden). Id. (emphasis added).
film features a distinguished cast"). Strunk and White then criticized both the noun and the verb uses, without any good reasons offered for the prejudice against the noun. Strangely, the Texas Manual criticizes the noun use while staying silent about the verb use that was originally criticized as an unwarranted extension of a unimpeachably correct noun. No good ground is offered for the prejudice, nor can one be.

7. Reason is that, reason is because. The Texas Manual disapproves of the construction:

   The reason the Rule Against Perpetuities is inapplicable is [because/that]
   the interest is a vested remainder. Some style commentators disapprove of the reason is because, recommending that you use instead the reason is that. The first locution occurs more frequently in speech, the second is more common in edited prose. But both can be found with great frequency in the prose of expert writers. The Texas Manual, however, strangely disapproves of both constructions. Why? I can only guess that the Texas Manual was vaguely aware of a dispute but hadn't quite figured out what the dispute was about.

8. Fact. In another example of unreasoning bias against good English, the Texas Manual on Style disapproves of most common phrases using the word fact, including in fact. It suggests replacing in fact with actually. Why is actually better? Why should four syllables be better than two, eight letters better than six?

9. Other Erroneous, Misleading, or Troublesome Rules. The Texas Law Review Manual on Style has mistaken, misleading, or troublesome rules on gerund phrases, redundant adjectives, compound prepositions, contractions, split infinitives, the placement of only, as

89. WEBSTER'S, supra note 3, at 436; FOWLER, supra note 6, at 192.
90. The only reason given was lampooned in WEBSTER'S, supra note 3, at 436.
91. TEXAS MANUAL, supra note 2, at 31 (emphasis added).
92. WEBSTER'S, supra note 3, at 801.
93. TEXAS MANUAL, supra note 2, at 24.
94. Id. at 12.
95. Id. at 16.
96. Id. at 20.
97. Id.
98. Id. at 17.
99. Id. at 13-14 (the sixth edition omits a recommended example in the fifth edition that violated its own rule, TEXAS FIFTH EDITION, supra note 36, at 12, sentence beginning “We can only form . . . ”).
clauses,\textsuperscript{100} all of,\textsuperscript{101} alternative,\textsuperscript{102} as to,\textsuperscript{103} due to,\textsuperscript{104} involve,\textsuperscript{105} like,\textsuperscript{106} so,\textsuperscript{107} transpire,\textsuperscript{108} which,\textsuperscript{109} and a dozen others. Some of my complaints on these entries are merely quibbles, but the book would be less harmful without these sections. If you care deeply about such fine points, I suggest comparing the Texas Manual's treatment of these issues with that in Webster's English Usage.

III

 WEBSTER'S DICTIONARY OF ENGLISH USAGE: 
 A WRITER'S COMPANION

"[M]any pedagogues seem reluctant to share the often complicated facts about English with their students."

—Webster's English Usage.\textsuperscript{110}

Style books appear in many guises. There are dictionaries, publishers' style books (concerned primarily with such matters as punctuation and printing), instructional textbooks,\textsuperscript{111} and usage dictionaries. While the Texas Manual is mainly a publisher's style book (with a comparatively large section on usage), Merriam-Webster's new Dictionary of English Usage is a usage dictionary. Yet Webster's isn't just a worthy addition to an already large genre, it's the best reference book of its kind ever published. Probably Fowler's Modern English Usage\textsuperscript{112} was a greater accomplishment in its day, one of the most sensible and carefully reasoned modern grammar books ever written. But it's out of date (first published 65 years ago),\textsuperscript{113} at times quirky, and for Americans too Eng-

\textsuperscript{100} TEXAS MANUAL, supra note 2, at 21.
\textsuperscript{101} Id. at 20. According to the Texans, of should usually be omitted after all. According to WEBSTER'S, both all of and all are proper, but all of is usual before personal pronouns ("all of them"—Shakespeare; "all of us"—Joseph Addison, Lionel Trilling, Jane Austen) and common before geographical names ("in all of Europe"—Current Biography). WEBSTER'S, supra note 3, at 69-70.
\textsuperscript{102} TEXAS MANUAL, supra note 2, at 20.
\textsuperscript{103} Id. at 21-22.
\textsuperscript{104} Id. at 23-24.
\textsuperscript{105} Id. at 27-28.
\textsuperscript{106} Id. at 28.
\textsuperscript{107} Id. at 32.
\textsuperscript{108} Id. at 35.
\textsuperscript{109} Id. at 33-34 (That, which, who).
\textsuperscript{110} WEBSTER'S, supra note 3, at 593.
\textsuperscript{111} My personal favorite is Joseph Williams's Style: Ten Lessons in Clarity and Grace, supra note 26.
\textsuperscript{112} FOWLER, supra note 6.
\textsuperscript{113} Ernest Gowers, a talented author of style books in his own right, has updated Fowler to some extent, but has, probably rightly, refrained from a wholesale rethinking of the book. The book remains the work of H.W. Fowler, writing in the 1920s, not Ernest Gowers writing decades later. People often forget that Fowler's Modern English Usage was "an expanded, updated, and alphabetized version of The King's English," published in 1906. WEBSTER'S, supra note 3, at 10a;
lish. Nor is Fowler free of superstitions, though he was a master at spotting them in others.

Further, when you compare *Fowler's Modern English Usage* with the new *Webster's* usage dictionary, Fowler's other shortcomings become obvious. Although H. W. Fowler's strong persona makes his book interesting, it lacks the breadth and depth of *Webster's*. What Fowler does only occasionally—separating the historical and logical threads of arguments supporting or rejecting particular usages—*Webster's* does on almost every page. In other words, *Webster's English Usage* betters Fowler at his own game. There are good reasons for this. In many respects Fowler was breaking new ground; *Webster's* instead is merely covering it with breathtaking thoroughness. *Webster's English Usage* is built on a careful reading of over 250 style books, including Fowler. Thus *Webster's* stands on the shoulders of giants (one of whom is Fowler).

The authors of *Webster's* new usage dictionary take a more scholarly and historical approach to the topics explored than any other style book intended for a general audience. A typical entry will canvass the origins of the disputed point of grammar or usage, discuss the various opinions expressed by style writers over the last 200 years, and offer an attempted resolution of the disputed point. To settle the matter, it's often enough merely to explain how the question arose and to repeat the inconsistent and silly arguments advanced to attack a supposed error. For someone with a shelf or two of style books (like me), the constant references to discussions in other books are a great help. The entries are for the most part well reasoned, although sometimes you achieve a richer understanding of the dispute than of how to resolve it.

If there is a criticism, it's a mild one. Sometimes *Webster's English Usage* is more concerned with showing that a particular construction isn't wrong than with helping a writer make intelligent choices. The entry on the position of adverbs is a good example. Both Fowler and Follett try to explain in some detail where native English speakers usually place their adverbs. They suggest that any other placement emphasizes the adverb. *Webster's* spends its time debunking the notion that compound verbs shouldn't be split. To be sure, it points readers in the direction of *Fowler* (it doesn't mention the more accessible entry in *Follett*), but it doesn't even summarize *Fowler's* suggestions. More advice and less debunking would sometimes help.

Another oddity worth noting is that entries on the first 5 letters of the alphabet take up 425 pages, while the last 21 letters of the alphabet

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*see* H. & F. Fowler, *The King's English* (1906). Our knowledge of English usage has grown considerably in the last 65-85 years. Fowler would undoubtedly have written a different book today.

114. Fowler, *supra* note 6, at 102 (compound prepositions).
take up 549 pages. Similarly, the first half of the alphabet takes up 649 pages, while the last half of the alphabet takes up only 324 pages. For comparison, only a slight front weighting can be found in Fowler. I suspect that the authors of Webster's English Usage started alphabetically, with greater space lavished on earlier entries. If that is so, I hope that later editions will expend the resources on the last part of the book that were spent on the first few letters of the alphabet. If merit has anything to do with it, Webster's should enjoy a long life.

Most of the best entries are too long to repeat in their entirety in a review. Therefore, to illustrate the style of the book, I opened it at random and selected the more typical of the two entries on that page:

*standpoint*  *Standpoint* came into English in the first half of the 19th century as a translation of or a coinage on the model of German *standpunkt*. American commentators began to disparage it as early as Richard Grant White 1870. It was subsequently criticized in William Cullen Bryant's 1877 *Index Expurgatorius*, Ayres 1881, Long 1888, Vizetelly 1906, and Bierce 1909. What was the problem?

Richard Grant White recognized but dismissed the connection with the German word; he rejected *standpoint* on the basis of a rule for English compounds that he seems to have devised on his own. Compounds like *washtub*, *cookstove*, and *standpoint* are ill formed, he says. Their initial element should be a participle. But even *standing point*, he concludes, is inferior to *point of view*. Bryant, Ayres, Vizetelly, and Bierce offered no reasons for their disapproval. Long 1888 did, though, saying "*Point of view* is preferable to *standpoint*; as the latter expression is logically absurd; one cannot stand on a point." The weakness of that argument has been pointed out by Bernstein 1971, who tartly observes that many a West Point cadet would be interested to learn that it is impossible to stand on a point.

The real problem with *standpoint*, of course, was simply that it was a new and popular word. As it has continued to be popular but has ceased to be new, the old antagonism toward it has gradually died out. There may still be a few editors with long memories who dislike *standpoint*, but its place in standard English has long been established, and usage commentators now generally ignore it altogether. Here are a few examples of its use:

From this standpoint the drama may be said to have begun—G.K. Chesterton, reprinted in *The Pocket Book of Father Brown*, 1946

... depends a great deal on the standpoint from which one regards it—Robert M. Coates, *New Yorker*, 16 Dec. 1950

... a success from the standpoint of free speech and the protection of dissent—Herbert L. Packer, *N.Y. Rev. of Books*, 6 Nov. 1969

... to find a standpoint from which to view all societies—*Times*
This entry shows the origins of the usage, examples from literature and journalism, the origins of the dispute over its propriety, the primary disputants, the logical arguments raised, the historical trend of the argument, and a suggested resolution of it. Entries of this clarity, scholarship, detail, and eminent good sense can be found on almost every page.

The book begins with an essay entitled *A Brief History of English Usage*, but this is less a history of usage than a history of books on usage. The book ends with a historical bibliography of the books most often discussed in the text. Both the opening essay and the bibliography can give a reader a good sense of where to start to build a usage library. Note that thus far I have compared *Webster's English Usage* with *Fowler*, the usage book most often mentioned by my colleagues as their favorite and the usage book once recommended by the law review *Blue Book*. In this part of my essay, I have not compared *Webster's English Usage* in detail with the other book under review here, the *Texas Manual on Style*. Yet because *Webster's* has supplanted my other usage dictionaries as the place to start when researching a disputed point of style, much of the part II of this essay was based directly or indirectly on *Webster's*. If you compare my detailed criticism of the *Texas Manual* with the corresponding entries in *Webster's English Usage*, the superiority of *Webster's* presents itself with more power than I could ever achieve in a review.

IV

OF GRAY SQUIRRELS, BODY SNATCHERS, AND HIGHER STANDARDS

It seems that fear of seeming permissive in linguistic matters can only come from fear of seeming inadequate in linguistic matters.

—Mary Taylor, *The Folklore of English Usage*

One debate that I often have with disciples of the *Texas Manual* is whether holding to Texan superstitions in the face of good evidence of their falsity gives you higher standards. The Texan disciples argue that if you avoid a particular construction, whether rightly or wrongly, you have more discriminating tastes and thus have higher standards. The fallacy here is that the goal is to write well. If you avoid the natural and idiomatic way of saying something because of a misplaced reliance on a false rule, you don’t have higher standards for writing. For example, if

116. References to books (e.g., “Bierce 1909”) are set out at the end of the dictionary. *Id.* at 974-78.
118. *Taylor*, *supra* note 1, at 768.
someone tried to write an article without using possessives because he mistakenly believed they were incorrect,\textsuperscript{119} would the resulting article show higher standards? Making awkward choices makes you not a better writer but a worse one. Rules without purpose are worse than ignorance, for at least the ignorant can fall back on idiom.

In every area where the \textit{Texas Manual} and \textit{Webster's English Usage} conflict, \textit{Webster's} is more permissive. In Newt Gingrich's lexicon, \textit{permissive} is a word that you use when attacking your opponent. But here it means primarily that \textit{Webster's} permits standard English, while the \textit{Texas Manual} doesn't. Not only are the positions in \textit{Webster's English Usage} well supported, but it usually gives you enough information to allow you to make a reasonable choice. For example, if after reading \textit{Webster's} you choose to follow Fowler's suggested distinction between \textit{which} and \textit{that}, as I usually do, you will understand that it's not wrong to do otherwise. Fowler invented the suggestion that \textit{which} not be used for restrictive clauses. He admitted that "it would be idle to pretend that it is the practice either of most or of the best writers."\textsuperscript{120} As Bergen and Cornelia Evans have pointed out, "What is not the practice of most, or of the best, is not part of our common language."\textsuperscript{121} It is offensive to force usages that are not part of our common language on other people. In Texas, the language police not only use excessive force, but they use it with arbitrary and irrational prejudice.

Usage books usually imply that you can just ignore silly advice and it'll do you no harm. The quotation at the opening of Part II of this essay suggests that hypercorrect grammarians "have as much power to prohibit a single word or phrase as a gray squirrel has to put out Orion with a flicker of its tail."\textsuperscript{122}

\textbf{But what if your editor is a gray squirrel?} You can't ignore bad advice when those who give it are editing your manuscript, trying to rewrite every sentence. No matter how vigilant you are, some of that sophomoric prose creeps into your articles. Thus, what would be harmless incompetence in any other book becomes a real menace in the hands of law review editors. I have asked colleagues particularly about their experiences with the fifth edition's rule against split verbs.\textsuperscript{123} One group of professors hasn't noticed that particular construction. A second group has been fighting losing battles with editors. And, sadly, a third group of professors has internalized the bogus rule so that they actually believe

\begin{footnotesize}
\begin{enumerate}
\item It has been rumored that one recent editor-in-chief of the \textit{Yale Law Journal} imposed this ridiculous prejudice on the articles in his journal.
\item \textit{Fowler}, \textit{supra} note 6, at 626.
\item B. \& C. Evans, \textit{supra} note 65, at 505.
\item A typical conversation goes something like this:
\end{enumerate}
\end{footnotesize}
that a split verb should be avoided. The Invasion of the Body Snatchers has succeeded so well that many can no longer distinguish alien speech from native speech.

The spirit of defiance that inspired this essay also inspired me to violate as many of the Texas rules as I could without calling too much attention to what I was doing. I am not arguing that you should break bad rules just for the Hell of it. Rather, I wanted to point out that a fairly short essay that broke the Texas rules over eighty times\(^{124}\) could still get its point across in standard English.\(^{125}\)

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Author: Have you ever had any problems with law reviews over the Texas Manual on Style?

Colleague: No.

Author: Have you ever had any problems with law reviews over split verbs?

Colleague: Yes. All the time.

Author: Then you've had problems with the Texas Manual on Style.

124. Here are 12 examples of sentences violating the principles of the Texas Manual on Style:

Copperud cites five commentators on the subject, all of whom see no harm in placing an adverb between the parts of a verb, and one of whom (Fowler 1965) prescribes such placement. [Webster's English Usage]

It seems that fear of seeming permissive in linguistic matters can only come from fear of seeming inadequate in linguistic matters. [Taylor]

There are a great many participles that are used independently so much of the time that they might be classed as prepositions (or as conjunctions if they are followed by a clause). [B. & C. Evans]

Point of view is preferable to standpoint; as the latter expression is logically absurd; one cannot stand on a point. [Long]

We also have evidence that the postponed preposition was, in fact, a regular feature in some constructions in Old English. No feature of the language can be more firmly rooted than if it survives from Old English . . . [Webster's English Usage]

The preposition at end has always been an idiomatic feature of English. [Webster's English Usage]

While the Texas Manual is silly, superstitious, and thick-headed; Webster's English Usage is sound, scholarly, logical, historical, and persuasive.

Thus the sentence is proper.

In fact, since Old English "none" has taken either a singular or a plural verb.

In every area where the Texas Manual and Webster's English Usage conflict, Webster's is more permissive.

The Texas Manual must be gaining ground with the law reviews because I don't remember it being mentioned in my earlier disputes with editors at the Yale Law Journal or the Harvard, Columbia or Vanderbilt Law Reviews.

As to Webster's Dictionary of English Usage, my advice is simple.

Many of these constructions appear several times in the review. The first six examples were taken from other authors who were not trying to illustrate particular disputed usages, just trying to write good English prose. In addition, I have used countless contractions and split verbs.

125. The only sentences where I have intentionally used arguably nonstandard English are in the next paragraph, e.g., "the Texas Manual on Style fails big."
CONCLUSION: THE LIMITS OF MY LANGUAGE

"The limits of my language are the limits of my world."

—L. Wittgenstein. 126

Texans like to boast that everything is just a little bigger in Texas—whether it’s steaks or egos, successes or failures. Yet even by Texas standards for failure, the Texas Manual on Style fails big. Most of its usage advice is false or misleading. Respected authorities have called some of its rules “superstitions,” “myths,” “fetishes,” and “folklore.”127 On the other hand, even by Texas standards for success, Webster’s English Usage succeeds big. It’s the place to start when researching fine points of English prose style.

As to Webster’s Dictionary of English Usage, my advice is simple. Buy it and consult it often. As to the Texas Law Review Manual on Style, my advice is more problematic. Although I once suggested to some law review editors that they burn their copies of the Texas Manual, I now consider that advice improvident. It raises the distasteful specter of mass book burnings by Nazis. Giving your book away won’t work either, because then its pernicious ideas might infect another unsuspecting reader.

I finally settled on a compromise strategy. First, if you are just trying to write better English, don’t buy the Texas Manual. But you may already own the fifth edition. Or you may need to acquire the sixth edition if you are a law review member forced by superiors to use it or if you are an author who wants to know where some of the strange editing suggestions are coming from. Here I suggest a second approach. For both the fifth and the sixth editions, I have prepared unofficial errata sheets, which are printed as appendices to this review. Staple the appropriate errata sheet in the front of your copy of the Texas Manual and cross out the more than 50 sections that should be deleted where they appear in the text. That should minimize the damage.

And authors having style disputes with law review editors should insist that the editors give support for their folklore usage rules. If their only authority is the Texas Law Review Manual on Style, reject their editing suggestions out of hand. Before overriding idiom, insist on competent authority. Don’t humor the superstitious. Humoring them just makes it harder on the rest of us.

Usually, a reviewer can describe only the effect that a book has on his own mind. But with the Texas Manual I have seen it work its evil on

127. See Fowler, supra note 6, at 196, 473, 606 (fetishes and superstitions); Webster’s, supra note 3, at 664 (myth); Taylor, supra note 1, at 765-66 (folklore).
the minds of impressionable law students. I have seen what it does to manuscripts and what it does to law reviews. I know that, whatever the intentions of its authors, the *Texas Manual* is a fundamentally bad book.

I confess a longing for simpler times. When George Orwell was a colonial policeman in Burma in the 1920s, he engaged in a primitive form of literary criticism. When he read a book he didn’t like, he would place the book on a tree, pull out his service revolver, and blow it to bits. When I think about the *Texas Manual on Style*, I sometimes wish that I owned a gun.
Errata

*Texas Law Review Manual on Style*

To be stapled inside the front cover of the
Sixth Edition

Unofficial Corrections

Delete Sections

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APPENDIX 1

Fear of Writing by James Lindgren

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Errata

*Texas Law Review Manual on Style*

To be stapled inside the front cover of the
Fifth Edition

Unofficial Corrections

Delete Sections

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APPENDIX 2

Fear of Writing by James Lindgren