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Recommended Citation

Link to publisher version (DOI)
https://doi.org/10.15779/Z38S23Z

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Greetings From Hell

Charles D. Moody†
Arthur S. Feldman‡

It is common advice to take criticism in the spirit in which it was intended. In this instance, however, it might be better to take Professor Lindgren’s essay in some spirit other than that in which it was intended. Professor Lindgren makes some fine points about the pitfalls of student editing, and it would be a shame for them to be obscured by the bitterness with which they were presented and by a response that tried to keep pace.

In fairness, though, perhaps the phenomenon of the student-governed law review is to blame even for the vitriolic tone of Professor Lindgren’s essay. Fear of Writing is obviously a piece written very much with an eye to its publication prospects, and Professor Lindgren did not misjudge his audience; we doubt that a more objective and careful piece would have catapulted over the stacks of other submissions for a quick acceptance at a prominent review.

Professor Lindgren does his readers the courtesy of announcing in the first paragraph his conclusion about the two books being discussed. Therefore, we should perhaps announce at the outset that one thing this Response will not do is dispute the relative merits of the Texas Law Review Manual on Style and Webster’s Dictionary of English Usage. Professor Lindgren’s conclusion that Webster’s book is vastly superior to the Manual on Style is assailable only for its obviousness and for its absurdity as the premise of a book review. However, there is a great deal objectionable about Professor Lindgren’s essay, and the fact that he felt compelled to write the essay at all (not to mention write it in the tone that he did) is a telling and perhaps worthwhile comment on today’s law review editing climate.

In making this comment, however, Professor Lindgren badly mischaracterizes the Manual on Style and fails to give a fair portrayal of the debate he tries to join. This Response will provide some initial clarifications about the nature and purpose of the Manual on Style and will try to place Professor Lindgren’s attack in a larger context. The real problems

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angering Professor Lindgren seem to us to be broader issues of student editing, though, and these issues may offer the possibility for a more noteworthy statement than that a Webster's dictionary is more complete than a student-published style book. Therefore, we will also try in this Response to identify and comment on these issues, as if Professor Lindgren had discussed them directly rather than choosing the tactic he did.

I

THE REAL MANUAL ON STYLE

In a sense the fiction we have adopted seems appropriate, because Fear of Writing is in many ways about a book that was never written. Professor Lindgren manages to leave readers with the impression that a group of law students down in the nether regions (Texas) have convened and published what they regard as the Restatement of Usage, intended to supplant prior efforts by Bernstein, Fowler, and others. In fact, the Texas Law Review Manual on Style is a pocket-sized reference booklet summarizing guidelines on some matters of capitalization, grammar, usage, punctuation, and manuscript preparation that arise frequently in legal writing. It is hardly presented as a rival to Webster's Dictionary of English Usage; the manual devotes to a discussion of usage the rough equivalent of 6 pages of Webster's 970-page book.

We doubt there is much confusion about the purposes and limits of the Texas Law Review Manual on Style; certainly you would not think there would be much among those people who have purchased their own copy for roughly the price of a Sunday New York Times. However, because Professor Lindgren insists that such confusion is rampant, let us take this opportunity to try to help him end it. The manual reflects the limits of its brevity in many areas, perhaps most acutely in the section on usage. Its discussion of rules of usage is only a summary, and the rules in the Manual on Style should not be regarded as in any sense superseding the more exhaustive and scholarly discussions in Follett, Fowler, Bryan Garner's Dictionary of Modern Legal Usage, Webster's Dictionary of English Usage, or any of the other texts of that genre. Anyone interested in grappling with the finer points of usage, presumably including most law review editors, errs if he relies on the Manual on Style to the exclusion of these more professional texts. Often the contribution of the Manual on Style is simply to alert its user to a potential problem that he must go to a more thorough text to resolve.

In case the brevity and simplicity of the manual fail to declare its intended use to any reader, the Foreword on the first page of the manual makes its purpose explicit. Because Professor Charles Alan Wright

2. The manual costs three dollars.
makes the point more eloquently than we could hope to, we will simply reproduce the relevant portions of his Foreword:

Any statement of the rules necessarily appears arbitrary. There is nothing in the nature of things demanding that "which" be used to introduce nonrestrictive relative clauses while "that" is reserved for restrictive clauses. It is, however, a useful convention, and those who follow it will be more readily understood. It would be a fine thing if users of this manual would go to the great modern authorities on usage—Fowler, Follett; Bernstein, and Strunk and White—and learn for themselves the reasons for these rules.

It is a truism that rules are made to be broken. This is especially true of rules of usage. Only rarely can it be said that a particular form is "right" and another "wrong." The authorities teach only that one is "desirable" and the other "undesirable." Growth of the language comes when masters of usage, such as Churchill or Shakespeare, recognize that in a particular situation their thought can best be expressed by departing from the conventions. The rules in the manual, therefore, should not be regarded as a Procrustean bed. The user of the manual who knows what he is doing and why should feel free to depart from the rules when this produces a better result. Most of us, however, are neither Churchills nor Shakespeares, and for us the safer course is to follow the rules rather than to strike out on our own. E. B. White has put the matter well: "No idiom is taboo, no accent forbidden; there is simply a better chance of doing well if the writer holds a steady course, enters the stream of English quietly, and does not thrash about."³

Professor Lindgren, displaying a form that would do any student editor proud, evidently allowed the substance of this passage to escape him entirely while he was scanning it for violations of the split-verb rule.⁴

This is not to say that the Manual on Style is a failed attempt that has only the virtue of self-recognition. Whatever contribution the Manual on Style makes it makes through its brevity and accessibility. On issues of punctuation, capitalization, and so forth, the Government Printing Office Manual on Style and Chicago Manual of Style provide more exhaustive treatments of virtually every issue than the Manual on Style, and the more technical questions that arise in law review editing can be answered only by referring to a book of that nature. However, adequate guidance on probably ninety-five percent of questions that arise in everyday legal uses—memo writing, letter writing, and even law review editing—can be found in a fraction of the time by referring to the Manual on Style.

Is there no place for an alternative or supplement to the G.P.O. and

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⁴. See Lindgren, supra note 1, at 1684 & n.39.
Chicago manuals, as excellent as these books may be? Let's give the devil his due. The test of the market (always popular in Chicago) at least suggests that many legal professionals find it helpful to have a handy reference that they can consult on the most frequent questions without becoming entangled in the detail of these other manuals,\(^5\) some of it of dubious relevance to legal writing.\(^6\) Although we have no way of disproving Professor Lindgren's harrowing accounts of editors rewriting manuscripts under the authority of the Manual on Style, the reader should be aware in considering his narrative that he is alleging that one chapter of a style booklet sold primarily to practitioners and state agencies is threatening to subvert legal academia.

This is the first of the distinctions that Professor Lindgren ignores or deliberately blurs. One could plausibly label the Manual on Style's use a symptom of a disease; criticizing the increasing use by law reviews of the Manual on Style to the exclusion of the more scholarly texts on which it is based might form the gist of a thoughtful essay about current trends in the law review community. But it might not be snapped up for publication. Far better to paint the Manual on Style as a deliberate challenge to Fowler et al. This fiction is all that Professor Lindgren can use to excuse demagoguery such as his charge that we have “painted a warped vision of a better world” that has “tended to enslave the human spirit.”\(^7\)

II

The Usage Debate

Admittedly, summarizing and condensing rules for convenience is a more problematic justification for rules of usage than for matters of capitalization or punctuation. Professor Lindgren correctly points out the danger of fostering a false sense of expertise and misguided application. Here too, though, Professor Lindgren is not forthright. Fear of Writing does not fully recognize the goal of the Manual on Style, offer an alternate vision, or even acknowledge what is at stake in the argument.

\(^5\) For example, the Chicago Manual of Style's guidance on capitalization is scattered throughout 201 rules in 13 chapters. See THE CHICAGO MANUAL OF STYLE 700-01 (13th ed. 1982) [hereinafter CHICAGO MANUAL] (index listing). It includes 23 rules on capitalization of titles of works, found in 4 chapters. See id. at 701 (index listing). The basics of capitalization in Portuguese, however, are condensed to three rules in two chapters. See id. at 187-88, 251-52, 262. The Texas Law Review Manual on Style's treatment of capitalization spans 20 consecutive rules in a single chapter. See MANUAL ON STYLE, supra note 3, at 1-10.

We do not wish to be misunderstood here. As editors, we are continually grateful for the existence of the Chicago Manual of Style and invariably impressed by its scope. It is deservedly, as its cover proclaims, “the standard reference tool for authors, editors, copywriters, and proofreaders.” However, surely every army needs foot soldiers as well as a standard bearer.

\(^6\) See, e.g., CHICAGO MANUAL, supra note 5, at 241-42 (setting forth the proper conventions for using “Jr.” and “II” or “III” in naming family descendants).

\(^7\) Lindgren, supra note 1, at 1678.
Professor Lindgren recognizes four categories of style books: dictionaries, publishers' style books, instructional textbooks, and usage dictionaries. Neither this list nor his more complete list in an earlier essay allows a place for books like Strunk and White's *The Elements of Style*—that is, books primarily suggesting distinctions between permissible word choices based on shades of meaning and forcefulness of expression. These distinctions are typically derived not from the date of appearance of a particular usage or its proximity to an original meaning, but instead from the utility and effectiveness of the modern usage. For example, Strunk and White decry the use of the word "facility" as a substitute for "jail," "hospital," or "school" not because the usage is historically insupportable, but simply because it is imprecise and does not convey the thought as well as the other three words.

A degree of risk does attend the Strunk and White approach. As a consequence of being based more on intuitive impressions of modern speech and writing than on actual historical data, usage rules lack any real anchor to keep them from drifting into the realm of arbitrary, highly personal preferences—fetishes. This danger is sharpened because "people do crave authority in matters of language." Rules may take on a life of their own, divorced from any legitimate purposes. Accordingly, we have another set of usage books—exemplified by Bernstein's *Miss Thistlebottom's Hobgoblins*—dedicated to keeping these rules in check and freeing the language from a stifling conservatism. The authors are concerned not so much with helping the writer achieve excellence as with leaving him free to pursue it on his own; they stand guard at the language's outer gates against rules that would encroach upon the ease of written expression. The best of Bernstein's entries, therefore, debunk rules by showing that they do not do what the person who adheres to them hopes; they do not preserve a valuable distinction in meaning. Other entries simply argue that the usage has been established for long enough that editors should call off the dogs.

8. See id. at 1694.
10. See W. STRUNK & E. WHITE, The Elements of Style 39 (3d ed. 1979) ("Many of the words and expressions here listed are not so much bad English as bad style, the commonplaces of careless writing."). Wilson Follett refers to these types of guidelines as "distinctions and suggestions in the realm of tact." W. FOLLETT, Modern American Usage: A Guide 5 (1966).
12. T. BERNSTEIN, Miss Thistlebottom's Hobgoblins 8 (1971).
13. Bernstein advocates a middle course between the extremes of false rigidity and standardless permissiveness, but devotes this particular book to the hobgoblins on the right. *Id*.
14. See, e.g., *id.* at 14 (alibi); *id.* at 15 (alleged); *id.* at 24-25 (cavalcade); *id.* at 26 (contact); *id.* at 39 (feature); *id.* at 55 (internecine); *id.* at 61 (nostalgia).
15. See, e.g., *id.* at 18 (alternatives); *id.* at 19 (appreciate); *id.* at 27-28 (culminate); *id.* at 38 (fake); *id.* at 59 (midair).
Each approach has its costs. The cost of usage rulemaking is, as the Bernstein book argues, that our ability to speak and write naturally may be curtailed with no tradeoff. The cost of latitude is that once an imprecise usage, allowed because it violates no strict rule, becomes widely embraced, those who wish to convey the more precise meaning have lost their power to do so. The best way, one would think, for deciding in a particular case whether to insist on the strict sense of a word or allow the word to be extended to other uses is to decide whether the extension deprives speakers and writers of an expressive instrument, or whether it meets an expressive need.\footnote{16} History is relevant in this inquiry, but not determinative; the passage of time will bless both thoughtless corruptions of the language and its natural evolution.\footnote{17}

This is a very crude sketch of a debate that has been waged on a much higher plane than the one Professor Lindgren’s and our little exchange occupies, and with more at stake than Professor Lindgren’s law review articles. But it is more of a sketch than we get from \textit{Fear of Writing}, and despite Professor Lindgren’s occasional exhortations for writers to look to usage texts for the reasons behind the rules, he addresses the reason behind only a few of the \textit{Manual on Style} rules he belittles.\footnote{18}

This thumbnail sketch is also important for understanding Professor Lindgren’s particular view of the language. The best encapsulation of this view is tucked away in the footnote in which he blacklists Strunk and White as practicers of the occult.\footnote{19} He implies that the strictures of Strunk and White can no longer be taken seriously in the face of the “evidence” of the Oxford English Dictionary. Evidence about the evolution of words is useful knowledge, and consulting the OED provides a good occasion for reexamining one’s linguistic habits and prejudices. But this evidence without more is an adequate rebuttal only to “rules” imposed on the ground that a particular meaning or construction is the one original and correct usage. The strength of Strunk and White is that it faults word choices and constructions not by invoking history but by appealing to common sense. Their exhortations to clarity and forcefulness, and their lucid spoofings of word choices that defeat those goals, strike a chord with the modern reader in a way that research into dusty manuscripts cannot undercut. Strunk and White’s willingness to speak out against these word choices is a breath of fresh air that Professor Lindgren’s scientific, almost deterministic view of the language would deny us. Wilson Follett notes that past generations had their “cant words and pedantries, which were destroyed, not by empty time or by the indiffer-

\footnote{16}{See W. Follett, \textit{supra} note 10, at 9-10.}
\footnote{17}{See id. at 12.}
\footnote{18}{See \textit{infra} Part III.}
\footnote{19}{See Lindgren, \textit{supra} note 1, at 1682 n.27.}
ent, but by the choice of those who were offended or bored."

He adds: "At any time and about any word, one should exercise the right of free speech that some would abridge. By simply using or rejecting the vocabulary, one casts a vote, repeatable as often as one likes, in favor of one's views." Professor Lindgren is understandably upset that in the law reviews others often want to cast his vote for him, but he should not condemn the efforts of those like Strunk and White who want to help people vote intelligently.

Similarly, he should at least meet the Manual on Style on its own terms, honestly presenting what the manual is trying to do and what the costs and benefits of its approach are. Both the Manual on Style and law review editing generally err on the side of being overly restrictive and open themselves up to justifiable criticism from the Bernstein school. The Manual on Style perhaps opens itself up unnecessarily to this charge by its use of labels like "Correct" and "Incorrect," implying that an "Incorrect" example is beyond the bounds of written English rather than simply contrary to the advice of the particular rule. Moreover, it may be that some of the manual's rules fail the Strunk and White test even when applied carefully, achieving no gain in clarity or directness that validates them independently of historical evidence. But in attempting to apply this criticism to the Manual on Style, Professor Lindgren is often content to stand pat with citing Webster's illustrations of venerable uses of the particular word or construction. He is seldom willing to discuss what is gained or lost by following a particular rule, instead simply showing that respected authorities have used other word choices.

He tries to pass this off by remaining very vague about another important distinction—one that is, in fact, the central point of his essay. If, as occasionally seems to be the case, his point is the fairly modest one that, given these historical uses, an author should be allowed to use these words in her article, he would certainly get no argument from us. We admit at the outset of this Response and on the first page of the Manual on Style that the manual is far from exhaustive, that its rules are not absolute, and that it is certainly possible to write well without adhering to them. But the argument at the core of Professor Lindgren's essay is far more than that. He complains that the rules of the Manual on Style are pure superstition, promulgated for no purpose other than the satisfaction of imposing them, and that any editor suggesting changes

21. Id. at 13.
22. See, e.g., Lindgren, supra note 1, at 1691 ("If Emily Dickinson may write 'mine is the case where,' so may I."); id. at 1699 ("[A] fairly short essay that broke the Texas rules over eighty times could still get its point across in standard English.").
based on the *Manual on Style's* recommendations is guilty of pernicious and ignorant intermeddling. He continually derides the manual's rules as not merely incomplete or inadequate, but "wrong," implying not just his disagreement with the rule but the rule's failure on its own terms. This argument requires a lot more support than Professor Lindgren offers. In the following Part we respond to the few substantive arguments he does make and point out the unfairness of his discussion of some of the rules.

### III

**SPECIFIC RESPONSES**

In only five instances does Professor Lindgren even attempt the type of reasoned analysis characteristic of the usage texts he invokes: his discussions of dummy subjects, split verbs, verbosity, *that*-clauses, and dangling modifiers. He also cursorily dismisses nine other *Manual on Style* entries, not acknowledging their purpose, but assuring us that they are "defective" and providing a snippet from Webster's book or the OED to show that educated people have flouted the guideline for centuries.

Among his nine summary dismissals of *Manual on Style* entries, his discussion of *feature* illustrates well his evasion of the nature and purpose of the rules. He states that the *Manual on Style* "mistakenly believes that *feature* can't be used as a noun," and he rebuts the alleged prohibition by showing that *feature* has been used as a noun in each of the last seven centuries.\(^{23}\) In reality, though, the *Manual on Style* simply counsels writers to "avoid" using *feature* as a noun,\(^{24}\) a "rule" that seems neither as rigid as Professor Lindgren suggests nor particularly directed to *feature's* historical standing. Professor Lindgren says, "No good ground is offered for the prejudice, nor can one be."\(^{25}\) Well, let's find out. Is it relevant that only rarely can *feature* not be replaced by a more descriptive and forceful noun? Other commentators think so.\(^{26}\) Take the

\(^{23}\) *Id.* at 1692.

\(^{24}\) *Manual on Style*, *supra* note 3, at 25.

\(^{25}\) Lindgren, *supra* note 1, at 1693.

\(^{26}\) See W. STRUNK & E. WHITE, *supra* note 10, at 47 (describing "feature" as a "hackneyed word" that "usually adds nothing to the sentence in which it occurs"); see also H. SHAW, *ERRORS IN ENGLISH AND WAYS TO CORRECT THEM* 61 (3d ed. 1986) ("As both verb and noun, *feature* is an overworked colloquialism in the sense of 'emphasize' or 'emphasis.' ")

An examination of the historical evolution of the word *feature* does not really meet these commentators' objections, but since Professor Lindgren wants to move the debate there, the discussion might benefit from a little more thorough presentation of the word's history than he gives. Webster's dictionary traces *feature* to the Latin word *factura*, meaning "act of making, formation."

WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 832 (1986). The first meaning of *feature* given by the OED, though now categorized as obsolete, is very close to this: "[m]ake, form, fashion, shape; proportions, esp. of the body; a particular example of this."\(^{5}\) *OXFORD ENGLISH DICTIONARY* 790 (2d ed. 1989) [hereinafter OED]. Subsequent meanings that the word acquired seem to have preserved the sense of a physical formation—e.g., "[t]he lineaments of the face, the form or mould of
sentence “Another feature of the case was the unavailability of two key witnesses.” Depending on the context, this sentence could almost certainly be changed to “Another complication of the case . . .” or “Another anomaly of the case . . .,” or any number of other more lively and informative alternatives. If a student editor suggests that change and the author rejects it, because Keats used feature or for any other reason, then the author should certainly get his way without further discussion—after all, it is his article. However, it is tough to argue that the editor in this case has been led horribly astray by the Manual on Style or is acting on pure prejudice.

Professor Lindgren believes he is icing his cake when he notes that the Manual on Style stays silent about the verb use of feature even though it was the verb use that originally came under attack as an unwarranted extension of the noun. But note that the use of feature as a verb fares much better under the analysis just presented than its use as a noun. Whereas feature as a noun is likely to replace a single more descriptive word in a sentence, feature as a verb usually allows us to say with equal clarity what might otherwise require a phrase.27 You can agree or disagree with the Manual on Style’s advice, as can anyone who publishes her article in the Texas Law Review. But at least now you have some basis for agreeing or disagreeing—a basis that is sorely lacking in its various parts.” Id. The OED finally lists the “transferred sense” in which the word is most commonly employed today: “[a] distinctive or characteristic part of a thing; some part which arrests the attention by its conspicuousness or prominence.” Id. The dictionary divides the examples of this last usage into those applied to material things and those applied, more recently, to immaterial things. Id. at 790-91. Professor Lindgren rather inappositely cites one from the former category dating from 1692, see Lindgren, supra note 1, at 1692 n.88, although the OED does give an example in the latter category as far back as 1822, Lord Castlereagh’s statement “The feature on which this question chiefly hinges . . ..” 5 OED, supra, at 791. Professor Lindgren’s quotation of the OED’s definition also differs slightly from the actual definition, in a manner that supports his substantive point. Compare id. at 790 (“A distinctive or characteristic part of a thing”) with Lindgren, supra note 1, at 1692 n.88 (“A distinctive characteristic or part of a thing”).

The objection of the usage commentators, if required to be cast in historical terms, might be that the use of the word feature in its transferred sense applied to immaterial things—the most general usage listed in the OED and the one furthest from the word’s original meaning—has become the most common manner of employing the word. Particularly in legal writing, the word is used as a vague and arguably unnecessary synonym for “trait,” as in the Manual on Style’s example “Another feature of this case,” MANUAL ON STYLE, supra note 3, at 25, perhaps more frequently than in any other way. Although this alone would not warrant prohibiting the word altogether, the above discussion does at least suggest that commentators’ objections to the utility of the modern usage and their advice to exercise caution in using feature as a noun are not entirely counter-historical.

Webster’s usage book at least answers the Strunk and White objection directly, arguing that the use of feature in a vague manner might be an intentional exercise of tact by the author, a “politic avoidance of judgment.” WEBSTER’S DICTIONARY OF ENGLISH USAGE 436 (1989). Webster’s point is an excellent one, but it should perhaps be noted that a word that can shield a politic avoidance of judgment can also, as in the Manual on Style’s example, shield a pointless avoidance of thinking.

27. See T. BERNSTEIN, supra note 12, at 39.
the Lindgren syllogism that, but for its failure to mention floating wood, could have come straight out of Monty Python:

1. The Manual on Style doesn’t like the word feature as a noun.
2. People in 1300 used feature as a noun.
3. Witch! Witch!

Another critique of a “defective rule” in which Professor Lindgren’s brevity serves him well is his charge that the Manual on Style displays “unreasoning bias” against the use of the word fact.28 The only substantive content of the rule he reveals, though, is that “[i]t suggests replacing in fact with actually.”29 The best defense we can think of is simply to set out our rule in full and let you decide whether he gives a fair characterization:

Fact. Do not use unnecessary idiomatic phrases containing this word. The phrases in fact, in point of fact, as a matter of fact, the fact is, and the fact of the matter is usually can be replaced with actually. In particular, avoid the phrase the fact that. Examples of phrases containing the fact that and the appropriate substitutes:

Owing to the fact that . . . (because).
In spite of the fact that . . . (although).
Call your attention to the fact that . . . (remind you, note that).
I was unaware of the fact that . . . (I was unaware that).
The fact that he had not succeeded . . . (his failure).
The fact that I had arrived . . . (my arrival).30

Among the five rules that Professor Lindgren actually discusses, his critique of the manual’s verbosity rule is similarly selective. He says that the Manual on Style rejects as unnecessary the constructions in many cases, on balance, and this is a case that.31 He admits that metadiscourse can be overused, but argues that the Manual on Style went overboard in prohibiting it.32 But the reader who picks up the Manual on Style expecting from Professor Lindgren’s description to find rigid strictures against metadiscourse is likely to be disappointed. The superstition propagated by the Manual on Style on this particular subject is limited to one sentence: “Avoid unnecessary words and phrases.”33 The manual then lists the three quoted phrases among a list of twenty-two that may signal an unnecessarily wordy sentence.34 To Professor Lindgren’s diagnosis of a latent hostility to metadiscourse we can only respond that his sanguine

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28. Lindgren, supra note 1, at 1693.
29. Id.
30. MANUAL ON STYLE, supra note 3, at 24. The second part of the rule echoes a similar entry in Joseph Williams’s Style: Toward Clarity and Grace. See J. WILLIAMS, STYLE: TOWARD CLARITY AND GRACE 123 (1990).
31. Lindgren, supra note 1, at 1686.
32. Id. at 1687.
33. MANUAL ON STYLE, supra note 3, at 18.
34. See id. at 18-19.
characterization of metadiscourse as a basically helpful construction that is only occasionally overused shows that his experiences reviewing manuscripts as a law review editor must have receded rather far into his memory.

Another of Professor Lindgren's substantive critiques—his discussion of split verbs—is directed at a previous edition of the book. Although the remaining three all identify the correct edition of the book, they display the same sort of oversimplification for which he berates the *Manual on Style*—both of the manual and of the reputable authorities he cites. For the sake of brevity, we will respond in detail to one—his critique of the dangling modifier rule.

Professor Lindgren criticizes the entry on dangling modifiers because it "fails to explain the necessary exceptions to the rules or give any examples of acceptable danglers." Granted, a more complete treatment of the issue would discuss the acceptable uses noted by Fowler, Follett, and others, but here as elsewhere the manual does no more than explain the difficulty with the construction, give examples of its misuse, and offer ways to correct its misuse.

Professor Lindgren partly anticipates our objection here, but rejects the possibility that our goal with the rule was, to use his words, "merely [to simplify the] argument to make it easier for law review editors to absorb." Playing his trump card, he finds one of our examples faulty in order to condemn the entire entry. Because Professor Lindgren lets his reading of the rule ride on one example, that example deserves closer scrutiny. Professor Lindgren labels the *Manual*'s disapproval of the following sentence baseless: "Hampered by public opinion, it was difficult for the court to convict the defendant." He argues that the sentence is proper because it was difficult is metadiscourse. The authority he cites, Joseph Williams, explains that metadiscourse is "the language we use when we refer to our own thinking and writing as we think and write—to summarize, on the contrary, I believe; to the structure of what we write—first, second, more importantly; and to our reader's act of reading—note that, consider now, in order to understand." To illustrate that metadiscourse can often be used with clarity in connection with a dangling modifier, Williams uses (and Professor Lindgren reproduces) the example "In order to start the motor, IT IS ESSENTIAL that the retroflex cam connect-

35. See Lindgren, *supra* note 1, at 1684-86.
36. Id. at 1689.
37. The nine sets of examples the manual presents illustrate six of the most common types of danglers and how to correct them. See *Manual on Style*, *supra* note 3, at 10-12. Professor Lindgren finds fault with only one, which we discuss in the text.
38. Lindgren, *supra* note 1, at 1690.
39. See id. at 1690 n.70.
The objection to dangling modifiers is that they create confusion by failing to maintain a clear connection between modifying clauses and their intended objects. Williams’s point is that the confusion is often nonexistent when separation of the clause and object is caused by metadiscourse, because the metadiscourse is clearly distinct from the substance of the sentence. This is particularly true when the understood object of the clause is “I,” “We,” or as in his example above, “You.” Eliminating the dangler would require not merely rearranging the sentence, but writing a new sentence in which the subject is express rather than implied. So far we have an exception for which one can at least articulate reasons consistent with the purpose of the rule in arguing that the benefits of the exception outweigh the costs.

Now consider Professor Lindgren’s application of the exception. He defends the dangler *hampered by public opinion* even though the dangler modifies not an implied pronoun but a noun later in the sentence—court. His application offers few of the benefits of the exception, but it exacts a heavy cost in terms of the purpose of the rule. Correcting the dangler requires only rearranging the sentence to make the connection more direct, as the Manual on Style does in its suggested alternative: “Hampered by public opinion, the court found it difficult to convict the defendant.” Moreover, the dangled construction in the Manual on Style’s example, unlike the one in Williams’s, might cause a reader to stumble. In Williams’s example, *in order to start the motor* does not by its terms lead to confusion with the subject *it* of the metadiscourse *it is essential*, and therefore the distance between the modifier and the verb phrase of the sentence is not offensive. But in the Manual on Style example, the clause *hampered by public opinion* is easily, and erroneously, read to refer to *it* in the metadiscourse clause of the sentence and not its intended noun *court*.

For all of Professor Lindgren’s urgings to look to the reasons behind

41. Id. at 148. Arguably, *it was difficult* in the Manual on Style’s example does not even come within Williams’s definition of metadiscourse or Professor Lindgren’s similar description of metadiscourse as “comments about how to receive the main idea of a sentence.” Lindgren, supra note 1, at 1687. The phrase *it was difficult* is not an internal message from the author to the reader; it does not refer to the writing itself or the reader’s act of reading. Unlike phrases such as “*it seems that*” or “*on the other hand,*” see J. Williams, supra note 30, at 40, or “possibly,” “clearly,” or “speaking of,” see Lindgren, supra note 9, at 177, the phrase *it was difficult* does not signal to the reader the author’s view about the statement to come; rather, *it* is the statement.

42. See, e.g., W. Follett, supra note 10, at 117. Interestingly, Follett observes: “There is no doubt that the language, which is always undergoing a loosening in some departments and a tightening in others, has been evolving since the late eighteenth century in the direction of a much tighter logic in the management of participles, especially those that begin sentences.” Id.

43. See J. Williams, supra note 30, at 41.

44. See id.

45. Manual on Style, supra note 3, at 12.
the rules, he does not give student editors a very good model to follow. He lifts a metadiscourse exception from another text without explaining the exception's purpose or scope,\textsuperscript{46} applies it mechanically and perhaps incorrectly\textsuperscript{47} to strike down one example in the \textit{Manual on Style}'s entry on dangling modifiers, and then is ready to toss aside the entire rule. However, if this example is not as misguided as he alleges, then his own assumptions about the intended application of the rule are (by his own admission\textsuperscript{48}) also questionable. Indeed, his startling discovery that the \textit{Manual on Style} "violates" its own rule later in the manual\textsuperscript{49} could just as easily be read as evidence of a less rigid intended application of the rule than he presumes.\textsuperscript{50}

If we have belabored this discussion of dangling modifiers and the other rules, we apologize to the reader, but our main purpose was simply to show that for the most part the rules in the \textit{Manual on Style} are supported by well-reasoned and articulate explanations in the usage texts from which they were derived,\textsuperscript{51} and even more of them have a fairly evident purpose. Professor Lindgren should at least address those explanations and purposes if he views the \textit{Manual on Style} as such an abomination. Indeed, our main concern about his essay is that people will simply believe him rather than look for themselves at the texts he invokes. His passing assertion that the \textit{Manual on Style} propagates "at least" six of the nineteen "spurious" rules that Mary Taylor collects,\textsuperscript{52} for example, is something that readers should investigate. By our count, eight of the nineteen occasionally disparaged usages that Ms. Taylor lists are addressed by a \textit{Manual on Style} entry. Of these, the manual suggests or arguably suggests a different wording for four of them,\textsuperscript{53} and it

\begin{itemize}
\item \textsuperscript{46} Admittedly, the justifications we have presented for the metadiscourse exception are to some extent our own interpretation, and it might not be entirely fair to fault Professor Lindgren for not discussing them in particular. He might be able to articulate other reasons in support of the metadiscourse exception that would justify its application to the \textit{Manual on Style}'s example. However, the justifications we discuss are based on the texts he cites, which would seem to be the best we can do given Professor Lindgren's failure to offer any justification whatsoever. Moreover, for our limited purpose here of answering Professor Lindgren's allegation that the manual's disapproval of the example is a purely arbitrary and unreasoned exercise of authority, even one rational justification should suffice.
\item \textsuperscript{47} \textit{See supra} note 41.
\item \textsuperscript{48} \textit{See} Lindgren, \textit{supra} note 1, at 1690 n.70.
\item \textsuperscript{49} \textit{See} id. at 1690.
\item \textsuperscript{50} In other places as well, Professor Lindgren's characterizations of what the manual's rules require are so extreme as to be disingenuous. \textit{See}, e.g., \textit{id.} at 1694 n.39.
\item \textsuperscript{51} \textit{See supra} notes 26, 30, 42; \textit{infra} note 53.
\item \textsuperscript{52} \textit{See} Lindgren, \textit{supra} note 1, at 1679.
\item \textsuperscript{53} For example, the \textit{Manual on Style} would recommend changing Ms. Taylor's sentence "My contention has been \textit{proven} many times," Taylor, \textit{The Folklore of Usage}, 35 \textit{College Eng.} 756, 766 (1974), to "My contention has been \textit{proved} many times," a recommendation in which Fowler, Follett, and Garner join, albeit in a more thorough and reasoned manner. \textit{See} \textit{Manual on Style}, \textit{supra} note 3, at 30; H. Fowler, \textit{A Dictionary of Modern English Usage} 490 (2d ed., E.
defends the challenged usage in the other four instances. The level of discourse established by Professor Lindgren seems designed to exploit the very insecurity he identifies, alerting student editors to authority that he says compels a certain viewpoint. If the Northwestern Law Review decided to scrap the Manual on Style based on the substance of Professor Lindgren's essay, then something truly is amiss in the student editing world.

IV
FEAR OF EDITING

Publishing an almost absurdly melodramatic essay mocking a student publication and resorting where convenient to a previous edition of the book is the type of behavior that might have been regarded in another era as unseemly for a professor of law with degrees from Chicago and Yale. However, these are strange times in the legal publication world. Students in their early twenties with no background in editing and precious little background in law play a major role in deciding where and in


We have also charitably included in our count Ms. Taylor's sentence "Harold stopped to price some flowers," Taylor, supra, at 766, although arguing that the Manual on Style would prohibit that sentence is quite a stretch indeed. The Manual on Style advises writers to "[a]void the use of nouns as verbs when a conventional usage means the same thing." MANUAL ON STYLE, supra note 3, at 19, but it is difficult to think of another verb that expresses the idea as clearly and concisely as "price." We assume, however, that Professor Lindgren included it in his list and would label the rule a fetish because, as Bernstein says, "[s]uch conversions [from nouns to verbs] have been going on since the thirteenth century, and the language has been the better for them." T. Bernstein, supra note 12, at 62. Two responses might be made. First, even Bernstein advises writers to approach these constructions with caution and to apply a test basically the same as the Manual on Style's. He says that when a converted noun simplifies expression (such as "gardens" for "cultivates a plot of ground"), it is unobjectionable, but when it replaces a single word having the same meaning (such as "authors" for "writes"), it is apt to be "sheer affectation and novelty-hunting." Id. at 63. Second, Manual on Style entries such as this one leaving so much discretion with the user may permit misguided application by an editor, but they banish to the realm of fiction statements like "In Texas, the language police not only use excessive force, but they use it with arbitrary and irrational prejudice." Lindgren, supra note 1, at 1698.

54. For instance, Ms. Taylor's defense of the sentence "A treaty was concluded between the four powers," Taylor, supra note 53, at 766, would be buttressed by the manual's advice:

Use between to express a relation of a thing to many surrounding things individually or reciprocally. Use among to express a relation to them collectively and vaguely. Examples:

A treaty between three nations . . .
A choice between A and B . . .
Missionary work among the four tribes . . .

MANUAL ON STYLE, supra note 3, at 21.

Although we can only speculate about how Professor Lindgren arrived at his figure of "at least 6" sentences in Ms. Taylor's list that the Manual on Style would prohibit, we suspect it was through cursory or unwarranted readings of the manual's entries. For example, he almost certainly counted Ms. Taylor's sentence "I felt I could walk no further," Taylor, supra note 53, at 766, based on the manual's rule directed at misuse of farther: "Use farther only to refer to distance. Use further to refer to time or quality," MANUAL ON STYLE, supra note 3, at 25.
what form that professor's scholarship will see the light of day. Therefore, we can hardly complain that we should be immune from his criticism. The whole legal publication process is a system abundant in ironies, and it often fails to produce serious and important work, much less to create harmonious working relationships between the authors and the editors. But its product is taken with such seriousness that a prestigious review is devoting to a discussion of a chapter of a style book an amount of print perhaps exceeding that of the entire book.

Of course, Professor Lindgren does have a legitimate gripe. He is clearly a skilled author who brings a wealth of knowledge and diligence to his writing. If the legends he recounts about his experiences with student editors have even a grain of truth, then this is a horrible injustice. And to the extent that the Manual on Style offers a safe haven for the linguistically insecure from the complexities of Webster's Dictionary of English Usage and thereby facilitates such practices, we should share in the blame. After all, it is giving editors authority for confronting authors with half-formed notions of usage that, in Professor Lindgren's mind, condemns the manual's publishers to the lower circles of the Inferno. (By the way, Professor Lindgren, Attila sends his regards. He loved your essay and was inquiring about reprints.)

But book-shooting is not the solution here. Surely in reducing the problems besetting the editing process to the Manual on Style, Professor Lindgren makes an error similar to the one he accuses student editors of making. Troubled by persistent difficulties with student editors and unsure of how to address these problems, he grasps at one publication as the source of all discord. Worse, he offers a scant alternative vision, indicating only that usages for which precedent exists are beyond challenge. He is obviously sensitive to subtleties of word usage, and we cannot believe that he applies to his own work the same laissez faire approach he advocates. But apparently he regards it as a necessary preventive against editorial overreaching.

The best advice in Professor Lindgren's essay, though, is far less extreme: read style books and apply their guidelines thoughtfully. In the end, one comes away from Fear of Writing with a feeling primarily that it represents a missed opportunity. Professor Lindgren had the chance (and obviously has the ability) to write a well-reasoned critique of the editorial practices he condemns, and through his essay to both advocate and illustrate a better way. In failing to do so, Fear of Writing is part of the problem and not part of the solution.
