

## Litigation #24

### How Paragraphs Speak to Each Other

It should seem obvious that, for accurate communication to take place, individual units of discourse must speak to each other: Words must hang together to make sentences, sentences to make paragraphs, and paragraphs to make documents. And yet, when we teach writing at the grammar school and high school levels, we tend to concentrate on these units of discourse in isolation from each other. Fair enough, perhaps, since the student brain at those stages has not developed far enough for it to deal extensively with the all-important missing subject - connectivity. Best save that for college and professional schools, when students will have brains well enough developed to tackle complex and sophisticated thought.

But alas, writing courses taken at those higher levels still fail to address the problem of connectivity in any way that really works to help writers reach and control their readers. Little attempt is made to teach how sentences can connect to form paragraphs; and even less of an attempt is made to help writers control the connectivity from one paragraph to another. This article will explore how paragraphs can be constructed to help readers step with confidence from one to the next, thus allowing thought to flow from the beginning of a document to its end.

\*\*\*\*\*

[Note to editor: Please retain this line of asterisks, or substitute some other visual signal that the first two paragraphs should be read as a unit.]

In earlier articles in this series, I have demonstrated what connections can be made between sentences so that they will lead seamlessly forward, allowing the writer's thought slowly to unfold itself to the reader's consciousness. The control over those sentence-to-sentence connections is in many ways similar to the control over a succession of paragraphs – but not altogether. We will look first at the similarities.

At the beginning of reading a new sentence, a reader needs to know precisely how this new one connects to its predecessor. [Cf. *The Progress of Thought: To Move Forward, Link Backwards.*" 42 LITIGATION 16 (Winter 2016).] Therefore, good sentences will present that linkage as soon as possible, preferably in the first few words.

There are two structural locations in that previous sentence that will be the easiest for the reader to be able to recall and to which a connection can best be fashioned: (1) the previous sentence's grammatical subject; and (2) the material located at the very end of that sentence, in its stress position.

(1) As I explained in four previous articles in this series,<sup>1</sup> most readers will interpret a sentence as being the story of whatever person, thing, or idea appears as its grammatical subject. Example:

---

<sup>1</sup>Note to editor: The four articles are *Whose Story Is This Sentence?: Controlling Readers' Perception of Narrative.* 38 LITIGATION 17 (Spring 2012); *Controlling the Reader's Perception of Your Client's Story.* 38 LITIGATION 18 (Summer/Fall 2012); *Who Done It? Controlling Agency in Legal Writing: Part I* 39 LITIGATION 22 (Winter 2013); and *Who Done It? Controlling Agency in Legal Writing: Part II* 39 LITIGATION 12 (Spring 2013). Should we cite them all? Is there room for it?

Clark was outraged at the long delay in response to her offer by Denison.

This will be perceived by most readers as the story of Clark. If the next sentence is to continue that story, it too should start with a reference to Clark. Connectivity is then easily accomplished for the reader.

(2) The other easiest backward link to the sample sentence would be to “Denison,” since he occupies that all important structural location I call “the stress position.” (For discussion of the stress position, see *The Importance of Stress: Indicating the Most Important Words in a Sentence*. 38 LITIGATION 20 (Fall 2011).)<sup>2</sup> To further explain Clark’s outrage, the next sentence might well concentrate on what Denison did. That new sentence, therefore, might well begin with “Denison”, whose story it will now be.

Can sentences effectively link back to something in the middle of the previous sentence? They can; but it requires more effort than one would wish the reader to exert. Example:

Clark was outraged at the long delay in response to her offer by Denison. Such a delay was usually construed as sufficient grounds to withdraw the offer.

To make a backward link to the word “delay”, we have to leap the tall building that is “in response to her offer by Denison.” If that indeed was the author’s intention, note how much easier the reader’s task of

---

<sup>2</sup> Question for the editor: Should we tell readers that they can find all these articles conveniently corralled together on the Publications page of my website, [www.GeorgeGopen.com](http://www.GeorgeGopen.com))?

connection would be if the first sentence was altered to allow the “delay” to inhabit the stress position:

Clark was outraged at Denison’s long delay. Such a delay ....

For all of these sentence-to-sentence connections, the same is true for paragraphs. A backward link to the previous paragraph is easiest for the reader to make if it connects to the same two locations: (1) the beginning of the previous paragraph, where its issue was stated; or (2) the end of the previous paragraph -- the nearest neighbor to this new paragraph.

Backward connections to the middle of the previous paragraph are, of course, logically possible; but they are much harder for the reader to perceive. Why should this be so? The answer might well lie in the work done by Bell Labs in the 1940s on memory. They demonstrated that people remember the ends of things best, the beginnings second best, and the middle of things at a significantly lower level of recall. Those findings seem to be replicated in a reader’s experience of both a sentence or a paragraph.

But, compared to sentences, paragraphs are so much longer -- and, therefore, so much more malleable. Reader expectations, while still functioning, become more like default value expectations, changeable by the presence of explicit clues from the writer. For example, while readers normally expect a paragraph to make a single point, that expectation can be changed by the writer announcing there will be two: “These recent developments leave us but two choices: ....” We then expect to find both of those choices in the present paragraph.

A paragraph’s length can make it somewhat unclear as to the size of

its beginning or its end. A good backward link reaches back not necessarily to the previous paragraph's first sentence, but rather to its "beginning" -- which well might reach into its second sentence, or occasionally even to its third. If so, that multi-sentence "beginning" must constitute a single unit, so it can be referred to as a unit.

The same is true of a paragraph's "end." If the last two sentences blend together to form a single unit, that unit can be considered its "end."

In addition, an entire paragraph may blend together to state a single concept or argument or claim. That single unit of the whole becomes a possible reference point for the next sentence's backward link.

To explore some of these options, let us look at the first few paragraphs of Mr. Justice Brennan's 1973 decision in *Frontiero v Richardson*, 411 U.S. 677, 93 S.Ct. 1764, 36 L. Ed. 2<sup>nd</sup> 583 (1973). The question concerned whether a female member of the armed services could claim her spouse as a "dependant" for obtaining increased benefits (lodging and health) on an equal footing with males. Under the statutes at the time, a serviceman could claim his wife as a dependant whether or not she was actually financially dependant on him; but a female could not claim her husband unless he actually was more than 50% dependant on her financially.

Mr. Justice Brennan for the majority.

A. There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of "romantic

paternalism,” that, in practical effect, put women not on a pedestal, but in a cage. Indeed, this paternalistic attitude became so firmly rooted in our national consciousness that, exactly 100 years ago, a distinguished member of this Court was able to proclaim:

“. . . The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. . . . The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator.”

- B. As a result of notions such as these, our statute books gradually became laden with gross, stereotypical distinctions between the sexes and, indeed, throughout much of the 19<sup>th</sup> century the position of women in our society was, in many respects, comparable to that of blacks under the pre-Civil War slave codes. Neither slaves nor women could hold office, serve on juries, or bring suit in their own names, and married women traditionally were denied the legal capacity to hold or convey property or to serve as legal guardians of their own children. (Cites.) And although blacks were guaranteed the right to vote in 1870, women were denied even that right -- which is itself “preservative of other basic civil and political rights” -- until the adoption of the 19<sup>th</sup> Amendment half a century later.

- C. It is true, of course, that the position of women in America has improved markedly in recent decades. Nevertheless, it can hardly be doubted that ... women still face pervasive, although at times more subtle, discrimination in our educational institutions, on the job market, and, perhaps most conspicuously, in the political arena. (Cites.)
- D. Moreover, since sex ... is an immutable characteristic determined solely by the accident of birth, the imposition of special disabilities upon the members of a particular sex because of their sex would seem to violate “the basic concept of our system that legal burdens should bear some relationship to individual responsibility,” (Cites.) And what differentiates sex from such nonsuspect statuses as intelligence or physical disability, and aligns it with the recognized suspect criteria, is that the sex characteristic frequently bears no relation to ability to perform or contribute to society. As a result, statutory distinctions between the sexes often have the effect of invidiously relegating the entire class of females to inferior legal status without regard to the actual capabilities of its individual members.
- E. We might also note that, over the past decade, Congress has itself manifested an increasing sensitivity to sex-based classifications. [Three examples described and cited.] Thus, Congress has itself concluded that classifications based upon sex are inherently invidious, and this conclusion of a coequal branch of government is not without significance to the question presently under consideration.

F. With these considerations in mind, we can only conclude that classifications based upon sex, like classifications based on race, alienage, or national origin, are inherently suspect, and must therefore be subjected to strict judicial scrutiny. Applying the analysis mandated by that stricter standard of review, it is clear that the statutory scheme now before us is constitutionally invalid.

So spake Mr. Justice Brennan. Let us investigate the backward links for each of these paragraphs.

Paragraph B's backward link to paragraph A: "As a result of such notions," which begins paragraph B, refers us directly to the material that ended paragraph A. This is equivalent to a sentence backward linking to the stress position of its preceding sentence.

C's backward link to B: C begins by linking backward to the beginning of B. This is equivalent to a sentence linking back to the beginning, the "whose story is this?" part of its preceding sentence.

D's backward link to C: Instead of linking back to a particular part of C, D follows logically from the forward motion of the entirety of C.

E's backward link to D: E follows logically here by offering an exception or an opposition to all the material in D.

F's backward link to E: F begins by linking backward to the entire development of thought in paragraphs A through E.

Each of these five backward links between paragraphs is different, demonstrating how various these linking mechanisms can be.

However, they all share the action of making their linkage as clear as possible; and each link appears as early in the paragraph as possible. The reader is thus carried consistently forward from one paragraph to another.

Great difficulties would arise for the reader if even one significant sentence of a paragraph were to be dis-located elsewhere in the paragraph, thus destroying the backward link, and making that sentence more harmful than helpful to the reader's progress. To see how harmful this could be to logical flow, reread paragraph D, moving its last sentence to the beginning of the paragraph. Can you see the damage done to the paragraph-to-paragraph flow of the thought?

We read from left to right and through time. The mere inclusion of all the right facts and legal concepts in a paragraph is insufficient to lead a reader's mind through the forest of the text's continuing thought. The writer would perhaps not be aware that anything bad was happening to the reader because the writer already knew what the logical progression was supposed to be. It is not acceptable that the writer be able to follow the thought if the reader is not made constantly aware of all the necessary linkages.

It is insufficient to fashion a paragraph so that it is merely capable of meaning that which you wish it to mean. To attain the level of "sufficient," your paragraph must be able to achieve both of the following accomplishments:

- (1) Each paragraph must be filled with all the necessary material; and

- (2) The paragraphs must connect clearly to their predecessors.