

Litigation Article #26

Numbers Do Lie: Why “To Make It Better, Make It Shorter” Is Inadequate Advice

In the past year, I have reviewed 45 books on writing. Every one of them advises that to make a sentence better, you should make it shorter.

Apparently it makes no difference if the shortened version fails to mean precisely what the original was intended to mean. Apparently it makes no difference if the rhythm of the revision is clunkier than the original.

Apparently it makes no difference if the revision deposits in the Stress position at the end of the sentence information that was not intended to be stressed. I will state it bluntly: The number of words in a sentence has nothing to do, by itself, with the sentence’s clarity.

Avoid the passive, they say, because the active is shorter. Too many clauses? Split the long sentence into two or three shorter ones. Shorter is better.

Here is advice from one of the most widely known experts. (I name no names, because I care not to challenge any individual expert. Any one of them could have said this.)

Ideally, legal writing is taut. To tighten your style, try to cut one-fourth of every sentence in your first draft. . . . Watch out for recurrent phrases that are the verbal equivalent of throat clearing. For example: “May I respectfully suggest that ...”; “It should not be forgotten that”

Structure is important, because it sends interpretation instructions to the reader. I would agree that the two throat-clearers are often a bad choice – but not because of wordiness: They might be bad because of the damage they do to a sentence’s structure. Both of them begin their sentences by assigning their (probably) less important introductory material to the main clause. “I suggest” and “Don’t forget” must be held in mind by the reader

all the way to the end of the sentence, soaking up much of the reader's energy. That depletes the amount of reading energy that can and should be used to concentrate on the contents of the succeeding "that" clause, where all the good stuff is probably lurking.

The solution here is not to abandon the contents of the throat-clearing but rather to demote the main clause to a lesser, qualifying clause; then you can promote the "that" clause up to a main clause, for which the reader will have a great deal more energy. "As I respectfully suggest, the intention of the parties was . . ." ; "Not to be forgotten, the defendants willingly . . ."

Single-clause sentences are read as being the story of whoever or whatever acts as the grammatical subject of the sentence. "Jack loves Jill" is the story of Jack; "Jill is loved by Jack" is the story of Jill." If a sentence has two clauses, it is read as being the story of whoever or whatever acts as the grammatical subject of the main clause. Thus, "I respectfully suggest that the intention of the parties was . . ." is the story of "I." Demote that main clause to a merely qualifying clause and promote the qualifying clause to the status of a main clause: "As I respectfully suggest, the intention of the parties was . . ." will be read as the story of the intention of the parties. "It should not be forgotten that the defendants willingly . . ." will be read as the story of the non-existent "it"; demoting the main clause and promoting the qualifying clause, "Not to be forgotten, the defendants willingly . . ." will be read as the story of the defendants. Most of the time, the reader should be invited to concentrate on the story of "the intention of the parties" and "the defendants." This has nothing to do with length; it has everything to do with clarity.

Sometimes, not often, beginnings like "I respectfully suggest" and "It should not be forgotten" are worthy of serious attention. When that is the case, investing them with the power of being a main clause will increase for the reader the value of that information. It may be important that you are the one to make this suggestion; to soften the perceivable aggressiveness of this bold moment, you may want to soften the "suggest" with the adverb

“respectfully.”

Context controls meaning. No sentence is good or bad by itself. Its quality can be judged only in the context in which it was intended to function.

There has been some progress in the last decade or so. Textbook authors are beginning to qualify their rules by allowing for (but not explaining the circumstances for) occasional exceptions. The older style, in use for more than a century, was to make lists of bad usage in the left column, corrected to good usage in the right column:

Not this:

did not recall

not current

not on purpose

But this:

forgot

outdated

accidental

Our unnamed author now qualifies that list with “when the context allows.” That should be an improvement; but three reasons suggest it may not be: (1) As readers of textbooks we are so used to the columns that we might well ignore the exception concerning context altogether; (2) the exception is stated in a qualifying “when” clause, not in the more prominent main clause; and (3) there are no instructions offered as to when or how a context might allow or disallow.

I think it a serious mistake to let the presumed improvement gained by decreasing the number of words outweigh the semantic differences between the original phrase and its one-word reduction. To say you “did not recall” is simply not the same thing as saying you “forgot”: “Forgetting” indicates you once knew but have since forgotten; “Not recalling” suggests there may never have been a time when you knew. “Not current” indicates something used to be and no longer is; “outdated” suggests that it still exists but no longer succeeds in serving its original purpose. “Not on purpose” speaks directly to the question of intention; “accidental” engages

more with fate or negligence. These three pairs are not equivalences. I cannot think of two English words that cover exactly the same ground and only that ground.

The same lack of semantic equivalence between two distinct terms can be produced by a change in a sentence's structure. Another well-known writing expert not to be named tells us this about the difference and non-difference between a sentence written in the active mode and rewritten in the passive mode:

Active: "John kicked the ball." Passive: "The ball was kicked by John." The two sentences mean the same thing, but observe that the sentence in the passive voice is longer than the sentence in the active voice. In the active voice, the single word kicks expresses the action all by itself. The passive voice needs three words, is kicked by, to express the same action. Thus, one good reason to prefer the active voice is economy - the active voice takes fewer words.

He is demonstrably wrong: The two sentences do not mean the same thing. The active sentence is the story of John. The ball is the result of his action of kicking. The passive sentence is the story of the ball. If this sentence is well written, we are invited to focus on the important point (in the stress position at the end) that the perpetrator of this action was no one else but John. In a given context, one is better than the other; but with no context, we have not enough information to pass judgment on which is better. "Shorter" tells us something about the number of words in each; it does not define either's ability to function.

Consider where the next sentence might take us. What if, unbeknownst to us beforehand, the surprising development has to do with kicking? Which of the following delivers the wry perception better?

- a) John kicked the ball. Then John was kicked by Larry.
- b) The ball was kicked by John. Then John was kicked by Larry.

The passive version, I would argue, does a better job of creating a sense of irony. The (a) version reports just the facts: This happened; then that happened. The (b) version delivers the irony of “what goes around comes around” because of its structure. There is a reversal: John winds up first being the kicker and then being the kickee. That is made possible by his occupying the stress position in the first sentence and then being the “whose story” person in the second sentence. No such slight of hand is present on the part of the author of the (a) version. In this context, (b) is better.

Whose story is it? Who or what occupies the position of stress? How does a sentence connect backwards or forwards to its neighbors? All of these are structural considerations that morph into meaning. This is what writing is made of. This is what communication is made of. Stopping to count the words and declaring the lower number to be the winner simply doesn't cut it. It allows us to judge a sentence as simplistically as possible; but thought is by no means simple. Neither is communication.

Shorter is not better. It is just shorter. Sometimes it is worse.