

Correcting Students' Usage Errors Without Making Errors of Our Own

Eugene Volokh

We often mark up student papers, and note errors in grammar, spelling, and word choice. But, unfortunately, much of what we know about such supposed “errors” is itself erroneous.

For instance, the supposed rule that one may not end a sentence with a preposition¹ is not accepted as a rule by any of the prominent grammar authorities that I've checked. In fact, many prominent authorities deride it as a myth.² “Presently,” which many say means only “soon” and not “at present,”³ has had both meanings for over 500 years,⁴ and is now commonly used in both senses. Spelling “judgment” “judgement” is not an error; “judgment” is more

Eugene Volokh is professor of law at UCLA School of Law (volokh@law.ucla.edu), teacher of the *Academic Legal Writing Circle* seminar at UCLA, and author of *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (3d ed., New York, 2007). He thanks Paul Bergman, David Fernandes, Kevin Gerson, David Ginsburg, Patrick Goodman, Brian Hagerty, Ken Karst, Ken Klee, Adam Kolber, Sam Levine, Lynn LoPucki, Kim Schratwieser, Aeon Skoble, and Steve St. Clair for their comments on drafts of this article.

1. See, e.g., 21 Geo. J. Legal Ethics 237, 249 (2008) (labeling this an “axiom[]” and part of “grammatical convention,” though acknowledging that sometimes “[g]ood writers will stray from [such] grammatical convention”); see also James Lindgren, *Style Matters: A Review Essay on Legal Writing*, 92 Yale L.J. 161, 165 (1982) (relating this as a “rule” that the author learned before law school, and that he now knows to be “spurious”).

I omit the titles and authors of the articles that I criticize to minimize the chance that my argument will be seen as a personal attack; my disagreement with my colleagues is narrow and not meant as a broader criticism of their work.

2. See, e.g., Merriam-Webster, *Webster's Dictionary of English Usage* 763-64 (Springfield, Mass., 1989) (noting that “recent 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”); H.W. Fowler, *A Dictionary of Modern English Usage* 457 (New York, 1983) (originally published in 1926) (calling the supposed rule “a cherished superstition”); Bryan A. Garner, *A Dictionary of Modern American Usage* 519 (Oxford, 1998) (calling this a “spurious rule”).
3. See, e.g., 74 N.Y. St. B.J. 64, Dec. 2002; *Legal Opinion Letters Formbook* § 2.03, available on Westlaw in the *Legal Opinion Letters Formbook (LOLFB)* database.
4. See *Oxford English Dictionary*, entry for “presently.”

common in America and “judgement” in England, but both are well attested in both places.⁵ Starting a sentence with “But” is just fine.⁶

“Pleaded” and “pled” are both past tenses of “to plead” in American English (and also both acceptable for the present perfect, as in “has pleaded” or “has pled”).⁷ “Most” to mean “almost” has been attested for over 400 years.⁸ Criticizing such use of “most” as an “error[] in usage” is not sound,⁹ though one might reasonably note that it may be too colloquial to be effective in formal writing.

Likewise, split infinitives are often labeled errors,¹⁰ but most prominent usage authorities think otherwise.¹¹ Again, warning students away from split infinitives may be wise. You should point out, for instance, when a particular split infinitive sounds awkward or confusing. Or you might want to more broadly caution students that many readers dislike split infinitives, and that this reader perception is an important reality that careful writers should keep in mind. But simply labeling split infinitives “errors” is not correct.

There are many other such examples of “errors” that aren’t really errors. I had this brought home to me when I was giving one of my weekly usage questions to my first-semester Criminal Law students. (Though the class is not a writing class, I pose such questions for five minutes each week, to have an entertaining break from the substance and to remind students that effective use of language is important to lawyers.) One of my questions was about the difference between “hypothesize” and “hypothesize.” But out of caution, I

5. See, e.g., Merriam-Webster, *Webster’s Dictionary of English Usage*, *supra* note 2, at 572. I mention this because I remember a former professor of mine (an excellent teacher) asserting in class that “judgement” is a misspelling.
6. Compare 94 *Law Libr. J.* 106, 108 (2002) (noting that the author had “learned in law school” that one can’t “start sentences with conjunctions,” though not endorsing this prohibition), with Merriam-Webster, *Webster’s Dictionary of English Usage*, *supra* note 2, at 211-12 (concluding that “the belief that there is something wrong in beginning a sentence with *but*” is “[p]art of the folklore of usage” rather than an established rule).
7. Compare 5 *Chi.-Kent J. Int’l & Comp. L.* 7, 19 n.lxxxv (2005) (characterizing “pleaded” as a “grammatical error”); 79 *Neb. L. Rev.* 293, 342 n.241 (2000) (faulting a contrary usage by a judge by saying that “[t]he proper form of the verb in this tense [present perfect] is pleaded, even though the court used pled”), with American Heritage Dictionary of the English Language 1347 (New York, 4th ed. 2000); Oxford English Dictionary, entry for “plead” (noting that “pled” is mostly a Scottish and American usage).
8. See Oxford English Dictionary, entry for “most,” defn. 4 (labeled as “regional,” but with one of the regions being the United States.); Merriam-Webster, *Webster’s Dictionary of English Usage*, *supra* note 2, at 644.
9. But see 93 *Law Libr. J.* 613, 914 (2001) (complaining about the phrase “[t]he prices of stock, like the prices of most everything else”).
10. 27 *J.L. & Educ.* 621, 626 n.23 (1998); 6 *ILSA J. Int’l & Comp. L.* 437 (2000); 91 *Law Libr. J.* 9, 13 n.22 (1999) (quoting another source approvingly); 85 *Mich. L. Rev.* 391, 396 (1986); 42 *S. Tex. L. Rev.* 1, 17 n.90 (2000).
11. See, e.g., Merriam-Webster, *Webster’s Dictionary of English Usage*, *supra* note 2, at 867-68; Fowler, *A Dictionary of Modern English Usage*, *supra* note 2, at 558-61.

checked “hypothecate” in the Oxford English Dictionary, and was shocked to see that for 100 years “hypothesize” has been one of its meanings. Several Supreme Court cases have used “hypothecate” precisely this way.¹²

I still warned my students against using “hypothecate” in this sense, because it can be distracting (why make readers think of mortgages when you’re talking about hypotheses?) and because some people will see it as an error whether or not it is one. My job, after all, is to train students to be effective lawyers, and not just to avoid outright errors. But I avoided asserting that using ‘hypothecate’ to mean ‘hypothesize’ was an error.”

Why is all this important? For four reasons:

1. *Accuracy.* As professors, we have an obligation to be accurate in everything we teach students. If we say a particular usage is an “error,” we had better be right. If what constitutes “error” is determinable empirically, we should be sure the facts support our assertion. Likewise, if what constitutes “error” is defined by the consensus of serious authorities (the view taken by most linguistic prescriptivists), or is defined by educated usage but reported by serious authorities (the view taken by linguistic descriptivists), we should be sure the authorities support our assertion.

That we dislike some usage, or that we were taught by someone that some usage is “wrong,” doesn’t make it an error. And while we should warn students away from usages that are clunky, confusing, or socially stigmatized, we should reserve the labels “error,” “wrong,” and “incorrect” for things that really are errors.

2. *Protecting ourselves from embarrassment.* Accuracy is important for its own sake, but it also avoids embarrassing arguments that can weaken our credibility. Say I tell a student that something he wrote is wrong, the student looks it up in a dictionary or usage guide and learns that the authority says it’s just fine, and then either privately asks me about this or publicly raises this in class or on a class discussion forum.¹³ What do I do?

Saying “Well, I’m right and the Oxford English Dictionary or Merriam-Webster’s Dictionary of English Usage is wrong” will likely come across as arrogant and unpersuasive. Saying “Well, I meant that this was a usage that could alienate some of your readers” or “I meant that this was a usage that some people see as an error” is better—but then students will wonder why I didn’t say what I meant, and instead said something that was harsher than what I meant.¹⁴

12. *Ehlert v. United States*, 402 U.S. 99 (1971); *Scott v. United States*, 436 U.S. 128 (1978), *quoted in Whren v. United States*, 517 U.S. 806 (1996), *Ohio v. Robinette*, 519 U.S. 33 (1996), and *Devenpeck v. Alford*, 543 U.S. 146 (2004).

13. Accord Anne Enquist, *Critiquing and Evaluating Law Students’ Writing: Advice from Thirty-Five Experts*, 22 *Seattle Univ. L. Rev.* 1119, 1138 (1999) (“‘If you’re not sure about a mechanical error, don’t mark it. You might get an English major coming up to your office to prove you wrong and then you’ve lost credibility,’ cautioned Ruth Vance.”).

14. A law professor who read a draft of this relates this story: “[W]hen I started teaching, I

We're training students to speak carefully and accurately, and to say exactly what they mean. It weakens our credibility when we ourselves don't follow that advice.

3. *Protecting our students from embarrassment.* Our students will use what we teach them, not just in their own work but in editing others' work. One day our students will be asked to proofread the work of a colleague,¹⁵ a subordinate, or even a supervisor.¹⁶ If they then proceed to mark up all the prepositions at the ends of sentences with the explanation that using prepositions this way is "a grammatical error," they may end up with egg on their faces. We shouldn't exacerbate this danger.

4. *Helping students understand what constitutes a rule, and how one should deal with competing claims about the rules.* When students loosely label something "illegal," "unethical," "morally wrong," or "scientifically wrong," we often insist that they properly define the terms, and suitably defend their judgments. For example, if someone says some action would be unethical, we might ask: Unethical according to what set of rules? Why should those rules be trusted? What should we do when there is disagreement between different authorities or different cultural groups about what is ethical and what is not?

We therefore shouldn't be sloppy in casually labeling things as "grammatically wrong." If some authorities say that something is acceptable and something is not, saying that the usage is "ungrammatical" reflects an inattention to the possibility of rival sets of authorities—the very sort of inattention we warn against in other contexts.

Here then are a few thoughts about how we can avoid such errors:

1. *Don't rely on memory of what we were taught.* Many usage myths are passed down from teacher to teacher, or are bandied about in newspaper columns or casual conversation. Of course, many sound usage guidelines are spread the same way, too; but usage myths are common enough that we should be more

used the shorthand of 'wrong word' to indicate diction problems. A student once objected because she found the word in the dictionary as she had used it, though it was listed as 'archaic.' When I told her that we should avoid archaic usage, she responded: 'well, it may be archaic, but it's not *wrong*.'

So labeling the word "wrong" yielded hassle, tension with the student, and some possible loss of credibility—and using the more clearly accurate terms "awkward" or "archaic" would have probably avoided all this. (As it happens, "wrong word" may not have been entirely inaccurate, if "wrong word" is interpreted as "the wrong tool for this job"; but "wrong word" is more often interpreted as "a word that doesn't mean what you're using it to mean," and that's how this student understood it.)

15. See Judge Robert Robinson Gales, *The Peer Review Process in Administrative Adjudication*, 21 J. NAALJ 56, 75 (2001) (urging administrative judges to engage in peer review of each other's decisions, including for "[e]rrors in grammar, syntax, punctuation, and spelling").

16. See, e.g., Judge J. Daniel Mahoney, *Law Clerks: For Better or For Worse?*, 54 Brooklyn L. Rev. 321, 333 (1988) (reporting that the author circulates his drafts to all his law clerks, seeking all sorts of input including "correction of grammatical or typographical errors").

suspicious of what we learned from our high school English teachers than of what we learned from our math teachers.

2. *Check a good usage guide (or more than one).* I particularly like Merriam-Webster's *Webster's Dictionary of English Usage*, though there are many other good ones as well, such as the Harper *Dictionary of Contemporary Usage*, Fowler's *A Dictionary of Modern English Usage*, *The New Fowler's Modern English Usage*, Bryan Garner's *A Dictionary of Modern American Usage*, and the *American Heritage Dictionary*, with its usage notes.¹⁷ The purpose of usage dictionaries is to explore the details of these debates, and these dictionaries will usually tell you whether something is a broadly accepted rule, a matter of controversy, or a supposed rule now widely derided as spurious.

For questions of word definition, the online *Oxford English Dictionary* (oed.com) is excellent, and many universities subscribe to it.

3. *Don't assume that each word has only one meaning or one pronunciation, or that each meaning has only one word associated with it.* That was my initial mistake with "hypothecate," and with "inciteful," which I had always thought an erroneous version of "inciting." But hypothecate means both to mortgage and to hypothesize; maybe it shouldn't, but it does.

Likewise, "inciting" and "inciteful" both mean having a tendency to incite. I expect that inciteful was once nonstandard, doubtless influenced by the very different word "insightful"; but the *Oxford English Dictionary* now includes it, and a Westlaw search reveals many references. I still can't stand the word, and I would advise students to avoid it, because I expect my dislike is shared by others. But I can't condemn it as wrong.

4. *Don't rely on "logic,"* by assuming that the only correct usage, spelling, or pronunciation is one that follows broadly applicable patterns visible in other words. It would be nice if English were logical, but it's not.

In fact, sometimes the "logical" version is the one that is nonstandard: Saying "it's" to mean "belonging to it" is consistent with the general way possessives are formed, but the standard possessive of "it" is "its," and "it's" is viewed as erroneous. Illogical, but there it is.

Likewise, "amn't I" fits the normal rule about how contractions with "not" are formed (consider "can't," "don't," and "isn't"), but it is extremely uncommon, at best distracting and quite likely nonstandard. "Aren't I" is "illogical," but it's standard. Once upon a time purists condemned "ice cream" on the grounds that it isn't cream made of ice, and the logical form should be "iced cream."¹⁸ Yet today "iced cream" is the error, and "ice cream" is correct.

The same applies to other common controversies. Pronouncing "nuclear" as "nucular" is indeed not consistent with the way English words are usually

17. For the sake of full disclosure, I should note that I'm on the Usage Panel of the *American Heritage Dictionary*, and thus have something of an emotional stake in recommending the dictionary (but regrettably not a financial one).

18. See Merriam-Webster, *Webster's Dictionary of English Usage*, *supra* note 2, at 517-18.

pronounced. But “usually” doesn’t mean “always”; for example, “iron” is correctly pronounced “i-ern” and not “i-ron,” and “colonel” is pronounced “ker-nel” and not “col-o-nel.” The English language is notorious for its frequent nonphonetic spelling.

Likewise, pronouncing “nuclear” as “nucular” is not consistent with the spelling of the word “nucleus,” which is the noun form of the adjective “nuclear.” But lots of words are pronounced differently in different forms: Consider, for instance, “title” and “titular.”

Nor can one fault “nucular” on the grounds that its pronunciation departs from the Latin etymology. Indubitably correct English pronunciation often departs from etymology: For instance, while the pronunciation of “titular” in some measure follows that of the Latin root *titulus*, the pronunciation of “title” does not. And beyond that, the source of the word “nuclear” is a Latin word that could actually be spelled either *nucleus* or *nuculeus*.¹⁹

If following the spelling doesn’t define correctness (as “colonel” shows), following the pronunciation of the English root word doesn’t define correctness (as “titular” shows),²⁰ and following the Latin etymology doesn’t define correctness, then what does define correctness? My answer is usage, especially (in professional conversation) the usage of educated speakers. Others may say the judgment of linguistic authorities—but these days most linguistic authorities themselves follow usage. Those authorities will accurately report that “nucular” is a regional pronunciation that’s commonly used by educated speakers in many regions,²¹ just as “leftenant” for “lieutenant” is a regional pronunciation that’s commonly used in England, and “Ah” for “I” is a regional pronunciation that’s commonly used in the South.

If you want to alert students that there’s a great deal of prejudice in some circles against the pronunciation “nucular,” and that they would be wise to avoid triggering the prejudice, you would be doing your students a service. The Merriam-Webster *Webster’s Dictionary of English Usage*, which generally criticizes the hostility to the “nucular” pronunciation, nonetheless closes by saying that those who choose to say “nucular” are “likely to draw some unfriendly attention from those who consider it an error.”²² But saying that “nucular” must be wrong because that’s not the way the word is spelled is not much of an argument in English.

19. See Oxford English Dictionary, entry for “nucleus”; see also Mark Liberman, “Nucular” Solecism Traced to 200 B.C., *Language Log*, available at <<http://itre.cis.upenn.edu/~myl/language-log/archives/000290.html>> (last visited Feb. 18, 2009).

20. If you want an example of a proper pronunciation that follows neither the spelling nor the etymology, try “Wednesday,” in which the first “d” is silent.

21. See, e.g., Merriam-Webster, *Webster’s Dictionary of English Usage*, *supra* note 2, at 673 (noting that “nucular” is “a minority pronunciation” but “nonetheless a common pronunciation among the educated”).

22. *Id.*

5. *Don't rely on assumptions about what's an erroneous innovation and what's old and traditional.* People commonly condemn usages they dislike as some sort of novel corruption. But that's often false. "Disinterested" meaning "uninterested," for example, is often derided as an innovation by those who insist that "disinterested" must mean "unbiased."²³ But the *Oxford English Dictionary* attests the "uninterested" meaning as early as about 1612—John Donne providing the first example—and the "unbiased" meaning only beginning in 1659. Whether or not you like the "uninterested" sense, it's not correct to claim that it's new.

And this is to be expected: Many people today treat "disinterested" as meaning "uninterested" because that sounds logical to them. (I mentioned that logic doesn't provide a sure method for deciding what's right and what's not, but it does often contribute to the evolution of a word.) Well, it probably sounded equally logical to people in the 1600s, which is likely why they used the word that way then, too.²⁴

6. *Focus on function and not on abstract correctness.* Finally, as I suggested above, tell your students what's effective writing, rather than limiting yourself to what's correct and incorrect. By teaching them that even usages that are approved by the dictionary can still be distracting, alienating, clumsy, or otherwise ineffective, you can help your students think more broadly about how they can improve their work. And that, after all, should be both their goal and yours.

23. See, e.g., 55 Fed. Law. 59 (June 2008).

24. Likewise, one reader of the article e-mailed me, "What I worry about generally is that the process by which errors become common enough to count as legitimate alternate usages has become amazingly accelerated in our time, not because of the internet but because of a more general 'do whatever you feel like' relativism that makes grade school teachers incapable of correcting error. Maybe I'm mistaken, and shouldn't worry about this, but then we get 'the individual should go to their apartment' which seems irredeemably incoherent."

I lack reliable data on whether the process of linguistic change has indeed vastly accelerated. But I can report, with the help of my Merriam-Webster's Dictionary of English Usage, that the singular "they" dates back at least to Shakespeare. See, e.g., William Shakespeare, *The Comedy of Errors* (1593) ("There's not a man I meet but doth salute me / As if I were their well-acquainted friend"); William Makepeace Thackeray, *Vanity Fair* (1848) ("A person can't help their birth").